

Videotaped Deposition of Ronald Koepke, 2/18/2014

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIAIN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI) MDL Docket No. 875

E.D. Pa. Case Nos.

Dianne Jacobs v. Owens-Illinois, 13-CV-60011
Inc., et al.Cindy Zickert v. Bayer Crop Science, 13-CV-60013
Inc., et al.

Harvey Helms v. 3M Company, et al. 13-CV-60018

Brian Heckel v. 3M Company, et al. 13-CV-60019

Videotaped Deposition of RONALD KOEPKE
Tuesday, February 18, 2014
12:59 p.m.
at
HOLIDAY INN CONFERENCE CENTER
750 South Central Avenue
Marshfield, Wisconsin

Reported by: Debbie A. Harnen, R.P.R.

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A P P E A R A N C E S: (continued)

SEGAL MCCAMBRIDGE SINGER & MAHONEY, LTD. by
Mr. Anastasios T. Foukas
233 South Wacker Drive, Suite 5500
Chicago, Illinois 60606
on behalf of 3M Company.

ALSO PRESENT: Ms. Connie Hansen,
Video Technician

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Videotaped deposition of RONALD KOEPKE, a
witness in the above-entitled action, taken at the
instance of the Plaintiff, pursuant to the Federal
Rules of Civil Procedure, pursuant to notice, before
Debbie A. Harnen, Registered Professional Reporter and
Notary Public in and for the State of Wisconsin, at
HOLIDAY INN CONFERENCE CENTER, 750 South Central
Avenue, Marshfield, Wisconsin, on the 18th day of
February, 2014, commencing at 12:59 p.m. and concluding
at 7:00 p.m.

A P P E A R A N C E S:

CASCINO VAUGHAN LAW OFFICES, LTD., by
Mr. Michael P. Cascino
220 South Ashland Avenue
Chicago, Illinois 60607-5308
on behalf of the Plaintiffs;

SCHIFF HARDIN LLP, by
Mr. Brian O'Connor Watson
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
on behalf of Owens-Illinois, Inc.;

FORMAN, PERRY, WATKINS, KRUTZ & TARDY, LLP, by
Mr. Joshua J. Metcalf
Ms. Tanya D. Ellis
City Centre, Suite 100
200 South Lamar Street
Jackson, Mississippi 39201
on behalf of Weyerhaeuser Company;

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TRANSCRIPT OF PROCEEDINGS

THE VIDEOGRAPHER: We are on the record.

This is DVD No. 1. This deposition is being held in Marshfield, Wisconsin. My name is Connie Hansen, CLVS, representing Gramann Reporting. The date is February 18th, 2014. The time is 12:59 p.m.

The caption of the case is In Regard to Asbestos Products Liability Litigation MDL Docket No. 875 in the U.S. District Court for the Eastern District of Pennsylvania. The name of the witness is Ron Koepke.

At this time the attorneys will identify themselves and the parties they represent, after which our court reporter, Debbie Harnen of Gramann Reporting, will swear in the witness, and we can proceed.

MR. CASCINO: Michael Cascino on behalf of the plaintiffs.

MR. FOUKAS: Anastasios Foukas on behalf of 3M.

MR. WATSON: Brian Watson representing Owens-Illinois.

MS. ELLIS: Tanya Ellis on behalf of Weyerhaeuser Company.

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A 1712 and 1714 Heidi Lane, Marshfield, and 1717 and 1719 North Hume Avenue.

Q Okay. How old are you?

A 75.

Q Great.

A Three-quarters of the way to a hundred.

Q Okay. Well, I'm at 60 just the other day, so I'm getting right behind you. I hope the body holds up as well as yours appears to be.

A Thank you.

Q What is your educational background, sir?

A Just through high school.

Q Okay. And after high school, where did you work?

A For the Roddis Plywood and Veneer Corporation.

Q And when was that?

A 19 -- May 3rd, 1957.

Q Okay. And when you joined Roddis, what was your job?

A A glue spreader feeder.

Q A what?

A A glue spreader feeder.

Q Okay. What goes a glue spreader feeder do?

A I feed wood crossbands through a glue spreader to apply glue to both surfaces.

Q Okay. Was that -- which part of the plant was

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MR. METCALF: Joshua Metcalf on behalf of Weyerhaeuser Company.

MR. CASCINO: Would you swear the witness in, please?

(Witness sworn.)

THE WITNESS: Yes.

RONALD KOEPKE, called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

E X A M I N A T I O N

BY MR. CASCINO:

Q Good afternoon, sir. My name is Mike Cascino, and we met a few minutes ago.

A Hi, Mike.

Q How are you doing?

A Just fine.

Q Good, good. Could you state your name for the record, sir?

A Ronald Koepke.

Q And Mr. Koepke, what is your address?

A 11715 Sunset Drive, Marshfield, Wisconsin.

Q Okay. And I understand you have a second home, as well?

A I have some rental properties.

Q Okay. And where are those located at?

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that that you worked in?

A That was in the glue room.

Q Okay. And is the glue room -- what building was the glue room in then?

A That was in the multistory wood building that housed the -- the majority of the door fabrication area.

Q So that was the -- that's the area that they would be making the fire doors at or is that the area that they were making the wooden doors at or both?

A Both.

Q Okay. And how long did you remain in the glue area?

A Approximately three years.

Q And during those three years, did you get promoted to -- they had various promotion systems that --

A Yes. I got to be a head layup person.

Q And can you tell us what a head layup person is?

A Well, I just by -- assisted -- along with assistants, I should say, of putting together the -- the doors which consist of crossbands, faces and core, and they made plywood, also, multi-ply plywood.

Q Was the plywood -- was there any type of resin product that was used for the -- for the plywood?

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1 A And resin refer -- referring to what?
 2 Q The glue inside.
 3 A Certainly there was glue that had resin in it,
 4 phenolic resin in some cases, melamine urea.
 5 Q What was that again?
 6 A Melamine urea resin.
 7 Q And where did the resin come from, the phenolic
 8 resins?
 9 A I'm not sure. The -- most of the glues were
 10 formulated by the technicians at Roddis. So I'm
 11 not sure where they purchased the resins.
 12 Q So there was a -- was there a department that
 13 would do the formulations?
 14 A Yes.
 15 Q And what department was that?
 16 A I'm not sure what it was called. It was -- I
 17 believe it was called the technical department.
 18 I...
 19 Q Did they have, sir, like a lab out there, the
 20 technical department?
 21 A Yes, they did. Yes, they did.
 22 Q And is that building still there, do you know?
 23 A That's -- no.
 24 Q How close, when you were doing the glue work, did
 25 you come to any of the Kaylo block?

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1 MR. WATSON: Objection. Form.
 2 Foundation. Vague as to time frame.
 3 BY THE WITNESS:
 4 A While I was doing that particular work, we did not
 5 have Kaylo at that time.
 6 BY MR. CASCINO:
 7 Q What time are you referring to?
 8 A 1957 to 1960.
 9 Q If there are advertisements that would indicate
 10 that it was prior to 1960, would you change your
 11 opinion?
 12 MR. WATSON: Objection. Form.
 13 Foundation. Incomplete hypothetical.
 14 BY THE WITNESS:
 15 A No, no. I don't think so. I know I wouldn't.
 16 BY MR. CASCINO:
 17 Q You say you didn't have Kaylo at that period of
 18 time. Was there any type of asbestos being used
 19 at that period of time on the door core?
 20 A Not to my knowledge.
 21 MR. WATSON: Objection. Form.
 22 Foundation. Vague as to "on the door core" and
 23 whether there was asbestos used.
 24 BY THE WITNESS:
 25 A Not to my knowledge.

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1 BY MR. CASCINO:
 2 Q Are you aware of any patent process licensing that
 3 was going on with regard to the Owens-Illinois
 4 Corporation at that period of time?
 5 MR. WATSON: Objection. Form.
 6 Foundation. Overbroad.
 7 BY THE WITNESS:
 8 A No.
 9 BY MR. CASCINO:
 10 Q Are you aware that Roddis was making a door core
 11 that contained asbestos in the 1950s?
 12 A No.
 13 Q So as we sit here today, it's your testimony that,
 14 to your knowledge, there was no asbestos in the
 15 door core materials until 1960; is that correct,
 16 sir?
 17 MR. WATSON: Objection. Form.
 18 Foundation. Misstates prior testimony.
 19 BY THE WITNESS:
 20 A Yes.
 21 BY MR. CASCINO:
 22 Q And when you were working there from 1957 to 1960,
 23 was that entirely in the glue room?
 24 A Yes.
 25 Q And what is the basis of your knowledge that you

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1 don't believe there was any asbestos being used
 2 before 1960?
 3 A Well, I was familiar with all of the different
 4 types of core -- doors that we were making, and to
 5 my knowledge, none of those contained asbestos.
 6 Q Where are those formulas -- where were they kept
 7 at?
 8 A What formulas are you referring to?
 9 Q The formulas with regard to the fire door
 10 material, the block.
 11 MR. WATSON: Objection. Form.
 12 Foundation. Vague as to time frame.
 13 BY THE WITNESS:
 14 A I don't think I understand the question, sir.
 15 BY MR. CASCINO:
 16 Q During the period of 1957 to 1960, were there
 17 formulas used for the making of the block
 18 insulation that went inside the fire doors?
 19 MR. WATSON: Objection. Form.
 20 Foundation.
 21 BY THE WITNESS:
 22 A I'm not familiar with any formulas that related to
 23 cores that were made with asbestos. That's all I
 24 can say.
 25

3 (Pages 9 to 12)

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BY MR. CASCINO:

Q During the period 1957 to 1960 you were not familiar with any material -- any asbestos-containing materials that were used in the door core --

MR. METCALF: I'm going to --

BY MR. CASCINO:

Q -- for the fire doors?

MR. METCALF: -- object. Asked and answered.

BY THE WITNESS:

A That's right, sir.

BY MR. CASCINO:

Q What is your understanding was used for the insulation in the fire doors prior to 1960?

A Roddis manufactured a door that was called chip core, and it was made from chips, vermiculite and perlite, I believe was the other ingredient, along with a resin that was thermo-reactant that would glue it up into a solid chip core, and that had a rating, I believe up to 60-minute -- one-hour rating.

Q Do you know what the formula was for the resin or did they purchase the resin?

A I'm not sure. I don't know.

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Q What was the source of the vermiculite?

A I have no idea.

Q So you have no idea whether or not the vermiculite came from a mine that was contaminated with asbestos; is that correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A No, sir, I don't.

BY MR. CASCINO:

Q When was the first time you believe that Roddis was using asbestos in their door core?

A It had to be sometime after 1960, as I recall.

Q And what do you base your recollection on, if anything?

A Just remembering and seeing testing that was going on with a product that eventually we found out had asbestos in it, and that was being tested; and I left the area for -- to take a different job and then subsequently went into the Army for two years; and after coming back in 1964, I recall that they were -- they were manufacturing fire doors.

Q The difference -- I'm sorry.

What was the different job that you

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had assumed after -- when did you assume a new job? Let me put it that way.

A 1961.

Q Okay. And what was the job you assumed in 1961?

A Well, it was -- it was called expediter production plans man.

Q Okay. And what does an expediter production person do?

A Production planning had to do with scheduling the production of the hollow cores and the hollow core department, and expediting was assisting in getting specific orders to the shipping room to be assembled in the carload and truckload lots.

Q Were you in charge of making sure that they made so many doors every day?

A No --

Q Okay.

A Well, yes. I'm sorry.

In the production of the hollow core, yes, I was responsible for setting up the schedule in concert with the required orders for that -- that week's shipment.

Q And what years were you in the Army?

A '62 and '63.

Q Okay. And after you left the Army, did you come

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back to work at Roddis or Weyerhaeuser?

A It was Weyerhaeuser.

Q And what did you do when you got back from the Army?

A I went to work in the production office to institute a newly developed scheduling program.

Q Explain what you mean by developing a new scheduling program.

A Well, the engineers had come up with a new way of scheduling the mill, and it needed to be implemented from the standpoint of receiving orders and allocating them to specific weeks and ensuring that we didn't overload specific departments with workloads because of the various types of doors that were being manufactured as well as the paneling and architectural plywood.

Q Did any of the paneling contain fire core materials?

A No.

Q What, to your knowledge, contained asbestos after you returned from the Army, what products?

MR. METCALF: Object to the form of the question.

BY MR. CASCINO:

Q What products were being made there by

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1 Weyerhaeuser?
 2 **A The product wasn't being made by Weyerhaeuser, but**
 3 **they were using a product called Kaylo that we**
 4 **understood did contain asbestos.**
 5 Q And how was that product, Kaylo, sent to
 6 Weyerhaeuser?
 7 **A It was brought in, I believe, in truckload lots on**
 8 **pallets.**
 9 Q And was it finished product?
 10 **A When you say "finished," I don't understand.**
 11 Q Okay. Was that -- was the Kaylo already in a
 12 block type --
 13 **A Yes.**
 14 Q -- material?
 15 **A Yes.**
 16 Q And then when was your next job you had?
 17 **A I entered into a management training program and**
 18 **went out -- out onto the floor. My first job was**
 19 **an assistant foreman in the finishing/prefinishing**
 20 **department.**
 21 Q And what did you do there?
 22 **A I just assisted the first-line supervisor in**
 23 **production scheduling and supervising the**
 24 **employees and learning the finishing process.**
 25 Q And how long were you at that job?

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1 **A One year.**
 2 Q And what did you do after that?
 3 **A I went to the glue room as assistant foreman.**
 4 Q What building was the glue room in again?
 5 **A It was in the -- the main wood -- multistory**
 6 **building, the door fabrication, on the second**
 7 **floor.**
 8 Q And how long did you do that job?
 9 **A One year.**
 10 Q And so what year was -- what year was that done?
 11 **A I believe 1967.**
 12 Q Okay. And what did you do after that?
 13 **A I went back to the finishing/prefinishing as**
 14 **first-line supervisor.**
 15 Q And how long did you do that?
 16 **A Two years.**
 17 Q So that was roughly until 1969?
 18 **A Yes.**
 19 Q Okay. And then what do you do after that?
 20 **A I was promoted to a finishing superintendent.**
 21 Q Okay. And how long did you have that job?
 22 **A Two years.**
 23 Q So that brings us to 1971?
 24 **A Well, middle of 1970, I believe. I'm sorry.**
 25 **Somewheres around there.**

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1 **I believe the spring of 1970.**
 2 Q Okay. And then what did you do?
 3 **A Became general foreman of the mineral core plant.**
 4 Q And what does the general foreman of the mineral
 5 core plant do?
 6 **A Supervise the -- both shifts; at that time there**
 7 **was two shifts -- in the mineral core plant,**
 8 **supervised the production.**
 9 Q And how many years was that?
 10 **A Five -- five years.**
 11 Q And what building was that being done in?
 12 **A It was a new building by itself.**
 13 Q And what is that building referred to?
 14 **A Well, it would be east of the main door mill at**
 15 **that time -- east of the shipping room of that**
 16 **door mill and south of the finishing department.**
 17 Q Okay. And is that the mineral core building?
 18 **A Pardon me?**
 19 Q Is that the mineral core building?
 20 **A Yes; mineral core factory.**
 21 Q What year was it that Weyerhaeuser started to make
 22 its own Kaylo?
 23 MR. METCALF: Object to the form of the
 24 question.
 25

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1 BY THE WITNESS:
 2 **A They opened the mineral core plant in 1968, and**
 3 **I'm not sure when they got up to what may be**
 4 **considered full production, but it wasn't right**
 5 **away.**
 6 BY MR. CASCINO:
 7 Q And what did they make in the mineral core plant
 8 beginning -- when it opened, you say, in 1968?
 9 **A They made a mineral core that was technically**
 10 **called a calcium silicate hydrate that was**
 11 **converted to a crystal called Zonolite, converted**
 12 **with an autoclave process, whereby the product is**
 13 **subjected to high pressure steam for a**
 14 **predetermined length of time.**
 15 Q And who -- if you know, whose process was that
 16 that was being used by Weyerhaeuser?
 17 **A That was a process that was developed by the**
 18 **corporate technical people.**
 19 Q When you say corporate, do you mean people out of
 20 the wash -- state of Washington?
 21 **A Yeah, uhm-hm.**
 22 Q And who, if anybody, do you recall was involved in
 23 the making of this -- of the development of this
 24 process for making door core material?
 25 **A Mainly Joe Wendlick, who was the corporate person,**

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1 along with the assistance of the technical people
2 at Marshfield.

3 Q And who were the technical people at Marshfield?

4 A Only one I can remember is Norman Pacourek.

5 Q And how do you spell Mr. Pacourek's name?

6 A Pacourek, P-a-c-o-u-r-e-k.

7 Q Do you know if he's still alive?

8 A No. He passed away last year.

9 Q All right. So in 1968, the new building, the
10 mineral core plant is opened; is that right?

11 A Yes.

12 Q All right. And you were -- at that point in time
13 you worked, I think you said, two years in
14 finishing?

15 A I was there four years, being a first-line
16 supervisor and then two years as superintendent.

17 Q Okay. And when were you superintendent, what
18 year?

19 A I believe it was '69 and '70 or --

20 Q Okay.

21 A -- part of '70, at least; not all of it, but part
22 of it.

23 Q And what did you do after that?

24 A In July of 1976 I went back to the door mill as a
25 manufacturing superintendent.

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1 Q That was what year, again, July of --

2 A 1976.

3 Q And how many years did you have that job?

4 A Two years.

5 Q Okay. And what did that job consist of doing?

6 A I supervised the foreman that manufactured the
7 doors in the glue room and processed through the
8 saw and sand department to the final inspection
9 area.

10 Q And was that also in the mineral core building?

11 A No.

12 Q Where was that?

13 A That was the entire second floor of the -- of the
14 door mill.

15 Q Of the mineral core --

16 A No. Door mill.

17 Q Door mill.

18 And where is the door mill located
19 at in relationship to the mineral core building?

20 A Well, it would be west of there and west of the
21 shipping room, which is between the mineral core
22 plant and the -- and the door mill, the old door
23 mill.

24 Q And how many years did you do that job again?

25 A Two years.

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1 Q Okay. So what did you do in 1978?

2 A I became processing superintendent.

3 Q And what does a process superintendent do?

4 A Well, it entailed part of what I was doing being
5 the manufacturing superintendent which included
6 the saw and sand and inspection department, but
7 then the -- the detail department, finishing
8 department and shipping room was added to that
9 title.

10 Actually, what happened is they
11 went from three superintendents to two
12 superintendents. So I ended up with half of the
13 mill instead of a third of the mill.

14 Q And who had the other half of the mill?

15 A Wally Mannigel.

16 Q Is Wally still alive?

17 A No.

18 Q And how many years were you the process
19 superintendent?

20 A Approximately five -- five to six years. I'm not
21 sure. I think 198- -- 1984 I became -- I went
22 back to mineral core as -- as the processing
23 superintendent in mineral core.

24 Q And how long did you do that until?

25 A About two years.

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1 Q And was that, what, in 1986?

2 A Mid-'85, yes.

3 Q And what did you do then?

4 A I went into sales and marketing. I took over
5 sales and marketing of mineral core and molded
6 products.

7 Q How long did you do that?

8 A To -- I did the molded products until they closed
9 the business in 1989, but I kept the mineral core
10 until I retired in 2000 and took on sales and
11 marketing of the particle board when molded
12 products was closed.

13 Q So you worked in the mineral core until 2000
14 then?

15 A Yes. I didn't work in mineral core. I was sales
16 manager for the products if they sold to what we
17 called third-party sales.

18 Q When, to your knowledge, do you believe that
19 Weyerhaeuser quit using asbestos in their fire
20 doors?

21 A June of 1978.

22 Q Why, then, was asbestos still being shipped from
23 Baton Rouge to Weyerhaeuser in December of 1978?

24 MR. METCALF: Object to form of the
25 question. Misstates evidence not in the record.

BY THE WITNESS:

A I don't believe that it was.

BY MR. CASCINO:

Q You'd defer to the sales records, would you not?

A Yes.

Q The purchase records?

A Yes. I -- I have no knowledge of that at all.

Could you repeat those dates again, please?

Q December of 1978, there were shipments of asbestos from Baton Rouge --

A I have no --

Q -- to the Weyerhaeuser plant in Marshfield.

A I have no knowledge of that. I don't -- I don't believe that that happened, but . . .

Q Well, you'd defer to an invoice, right?

A Yes.

Q Okay. And what prompted you to say the date of June 1978?

A It was pretty much common knowledge within the plant that that was happening, and that's why I just remember that date, and there was a major asbestos abatement program that went on to cleanse the various areas of the asbestos. So it was just . . .

Q Were you in charge of that asbestos abatement program?

A No.

Q What role did you have in the asbestos abatement program?

A None whatsoever.

Q And when do you believe the asbestos abatement program was going on, sir?

A Within that time period of June 1978.

Q So you believe that the asbestos abatement was going on in June of 1978?

A Yes, sir.

Q And do you have any knowledge of any other asbestos abatement that would have gone on after June of 1978?

A No, sir.

Q Who hired the company to do the asbestos abatement?

A I have no idea.

Q And were you there when the asbestos abatement began?

A Yes.

Q And when the asbestos abatement began, were the people that were doing the abatement -- were they wearing white suits?

A I have no idea. I wasn't out there when they did it. So I can't answer that.

Q Well, wait a minute. A second ago -- so you weren't out there --

A I wasn't out there in the specific areas that they did the abatement. So I have no idea if they -- I can't answer that.

Q Okay. And so, again, what was your position when the asbestos abatement was going on?

A In June of 1978 I was still processing -- I'm sorry -- manufacturing superintendent. I took over being processing superintendent in, I believe, November of 1978.

Q And as manufacturing -- in this position that you had, that didn't cause you to have to walk through the various buildings of the plant?

A No, no, not really.

Q So it's your testimony, sir, that you did not, during the period of time the asbestos abatement program was going on, walk through the building, is that correct, through the various buildings?

MR. METCALF: Object to the form of the building -- object to the form of the question.

BY THE WITNESS:

A Not that I recall, no, I don't. I don't recall

that at all.

BY MR. CASCINO:

Q Okay. Now, are you aware that there was a prosecution of the company that did the asbestos abatement?

MR. METCALF: Object to the form of the question. There's no foundation.

BY THE WITNESS:

A No.

BY MR. CASCINO:

Q You didn't get the local newspaper back then; is that correct?

A If I did, I didn't see that.

Q Okay. You didn't -- you didn't see that in the paper?

A No.

Q Okay. And sir, are you aware that the asbestos abatement was occurring, and the workers that worked for Weyerhaeuser were in the same areas that the asbestos abatement was being done and were not wearing protective gear?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A No.

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1 MR. METCALF: Lack of foundation.
 2 BY MR. CASCINO:
 3 Q And sir, how many -- I mean, how many people at
 4 this point in time were above you at the
 5 Weyerhaeuser facility in terms of rank?
 6 MR. METCALF: Object to the form of the
 7 question. What facility are we talking about?
 8 MR. CASCINO: The Weyerhaeuser in
 9 Marshfield facility.
 10 BY THE WITNESS:
 11 A **Well, there's -- there was more than one business**
 12 **here. So I guess I can't answer it totally other**
 13 **than approximately four levels above me.**
 14 BY MR. CASCINO:
 15 Q And who were those people that were four levels
 16 above you?
 17 A **Well, Dave McGiveron, Bob Casteel, Roy Stanford.**
 18 **Maybe that's -- maybe three is it then.**
 19 Q Okay. Who did you report to at the local plant in
 20 Marshfield?
 21 A **Dave McGiveron.**
 22 MR. METCALF: Can we clarify exactly
 23 which time frame we're talking about? Is this the
 24 June of '78?
 25 MR. CASCINO: Yes, sir.

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1 BY MR. CASCINO:
 2 Q And how would you go about reporting to him -- let
 3 me rephrase that.
 4 What did you report to him
 5 concerning?
 6 A **Production, quality, safety.**
 7 Q And what were you reporting to him in terms of
 8 safety?
 9 A **Well, I was responsible to see that the -- that**
 10 **the monthly safety meetings were carried out; that**
 11 **established safety policies were being practiced.**
 12 Q Do you have any documents with you that show that
 13 the safety policies were being enforced?
 14 A **Any documents with me?**
 15 Q Yes, sir.
 16 A **No, sir.**
 17 Q Okay. And are you aware of any documents that
 18 Weyerhaeuser may still have that dealt with the
 19 issue of whether or not the safety policies were
 20 actually being enforced?
 21 A **Do I have any knowledge that there are documents**
 22 **that exist?**
 23 Q Yes, sir.
 24 A **I would imagine there are documents that exist.**
 25 Q What did you do in terms of quality?

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1 A **We had to make sure that established operational**
 2 **procedures -- operating procedures were followed**
 3 **to ensure making a quality product.**
 4 Q Okay. And what did you do in terms of production?
 5 A **We had established parameters, volumes for each of**
 6 **the work centers, and it's just a matter of**
 7 **supervising to make sure we were coming close**
 8 **to -- to those goals, those established volumes.**
 9 Q The gentleman you referred to was Dave McGuire?
 10 A **McGiveron.**
 11 Q McGiveron. Okay. Who did Dave report to?
 12 A **Bob Casteel.**
 13 Q And who did he report to?
 14 A **I believe there was a division supervisor -- I**
 15 **believe he's called Laney Osterheg, but he was --**
 16 **he was located in Tacoma.**
 17 Q So the Larry Osterheg --
 18 A **Laney.**
 19 Q Laney Osterheg is located -- was located in
 20 Tacoma, Washington; is that correct?
 21 A **Yes, uhm-hm.**
 22 Q And how would Bob Casteel go about reporting to
 23 him? In what form?
 24 A **I'm not sure, but I would imagine by telephone**
 25 **mostly and written documentation.**

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1 Q And where did Mr. Wendlaw [sic] fit in all this?
 2 A **Wendlick?**
 3 Q Wendlick.
 4 A **Joe's office was in Tacoma, but -- that's all I**
 5 **can say.**
 6 Q How often did Joe come to the plant?
 7 A **I'm not sure. Sometimes more often than others.**
 8 Q Well, would he come once a year? twice a year?
 9 four times a year?
 10 A **Well, not every year, but for a period of time**
 11 **there in the early '70s, he was there probably**
 12 **three or four times a year.**
 13 Q And what about Laney? Was he there, also? How
 14 often -- strike that.
 15 How often would he be there?
 16 A **Maybe twice a year.**
 17 Q You've had your deposition taken before; is that
 18 correct?
 19 A **Yes.**
 20 Q How many times have you had your deposition taken?
 21 A **Maybe four.**
 22 Q Did any of those involve superfund litigation?
 23 A **Yes, I believe.**
 24 Q And did any of those involve personal injury or
 25 wrongful death cases brought?

8 (Pages 29 to 32)

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1 **A Not to my knowledge.**
 2 Q So there were four depositions taken, and they
 3 dealt with the issues of landfills; is that
 4 correct?
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 **A No; only one. Only one did.**
 9 **BY MR. CASCINO:**
 10 Q Okay. What did the others deal with?
 11 **A Related to asbestos litigation cases, and I might**
 12 **be wrong saying four. It may have only been**
 13 **three.**
 14 Q When you say asbestos litigation cases, what do
 15 you mean?
 16 **A Well, a case that involved asbestos suits that**
 17 **were against Weyerhaeuser.**
 18 Q Do you remember the names of any of those cases?
 19 **A I can't recall that.**
 20 Q Do you remember the -- these were employees that
 21 worked there while you were there; is that
 22 correct?
 23 **A No.**
 24 Q These are employees that worked there after you
 25 left the plant?

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1 MR. METCALF: Object to the form of the
 2 question.
 3 BY THE WITNESS:
 4 **A I believe they were employees that worked for**
 5 **other facilities, as I recall, and I don't**
 6 **remember the names of -- of any of them.**
 7 **But they were not people that I can**
 8 **think off the top of my head at least that they**
 9 **worked at the plant.**
 10 **BY MR. CASCINO:**
 11 Q They did not work at the Marshfield plant --
 12 **A No.**
 13 Q -- is that your testimony?
 14 **A No; unless my memory's failing me.**
 15 Q Did they work at other Weyerhaeuser facilities in
 16 the United States?
 17 **A No.**
 18 Q Where did they work at if you know?
 19 **A I think one worked for U.S. Plywood.**
 20 Q So someone worked for U.S. Plywood in -- strike
 21 that.
 22 What years do you believe someone
 23 worked at U.S. Plywood that was involved in one of
 24 these suits?
 25 **A I'm not sure. I don't know.**

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1 Q Well, was it in the 1950s?
 2 **A No.**
 3 Q 1960s?
 4 **A If I -- probably 1970s.**
 5 Q Okay. And so it's your belief that U.S. Plywood
 6 was still a viable entity in the 1970s?
 7 MR. METCALF: Object to form of the
 8 question.
 9 He can't testify about U.S.
 10 Plywood, viable entity. Those are legal issues
 11 that this witness doesn't -- is not here for.
 12 BY MR. CASCINO:
 13 Q Go ahead and answer if you can.
 14 **A I think U.S. Plywood had an entity in Wisconsin in**
 15 **19-- -- early 1970.**
 16 Q Do you remember any of the other places that these
 17 individuals worked at that were involved in these
 18 asbestos litigation cases that you gave
 19 depositions?
 20 **A No.**
 21 Q Sir, you're on a retainer agreement with
 22 Weyerhaeuser; is that correct?
 23 **A No.**
 24 Q It's your testimony that you're not on a retainer
 25 agreement?

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1 **A I'm sorry. Not with Weyerhaeuser. I thought you**
 2 **meant -- no. I'm on retainer with a legal firm.**
 3 Q And is that the McGuireWoods law firm?
 4 **A Not anymore.**
 5 Q Okay. What law firm is that?
 6 **A The law firm that Joshua is -- and I can't**
 7 **pronounce it.**
 8 Q Forman Perry?
 9 **A Yes.**
 10 Q And what is your understanding as to the retainer
 11 agreement that you have with the Forman Perry law
 12 firm?
 13 **A That I just supply technical knowledge of the**
 14 **process and procedures that was -- that was used**
 15 **at that particular time.**
 16 Q And are you compensated for this work?
 17 **A Yes.**
 18 Q When were you first on retainer?
 19 **A I was first put on retainer right after I retired**
 20 **from Weyerhaeuser, which was back in 2000.**
 21 **It was part of my duties as a**
 22 **full-time employee to provide that same**
 23 **information up until the point I retired. Of**
 24 **course, I was being paid under my normal salary,**
 25 **and then after I retired, I was put on retainer.**

9 (Pages 33 to 36)

Q Okay. How much compensation have you gotten from -- from the attorneys, either the attorneys, McGuireWoods, or the Forman Perry law firm?

A In what period of time?

Q From year 2000 until the year 2014.

A I don't know if I can answer truthfully. I can only guess.

Q What is your estimation?

MR. METCALF: I'm going to object to any guessing or speculation.

BY MR. CASCINO:

Q Go ahead.

A Somewheres around 5 to \$6,000 a year.

Q And this retainer, is this paid whether or not you do any work for them or not?

A No.

Q What work did you do during the years that -- 2000, say, through 2005 to be paid for this retainer?

MR. METCALF: I'm going to object to that and instruct the witness not to answer.

We're not going to get into the specifics of the work that he has done as a consulting expert for us. He's told you the general outline of it, and that's as far as -- as

question.

BY THE WITNESS:

A No. I think it's one and the same.

BY MR. CASCINO:

Q Were there any years that you made over \$6,000?

A Possibly. I can't say for sure.

Q And what -- what type of filing did you do with the IRS concerning the payments for the consulting that you were doing for the attorneys?

A I receive a miscellaneous 1099 yearly that was filed with my income tax.

Q Okay. And what work did you do, again, between 2000, say, and 2010?

MR. METCALF: Again, we're not going there. He's not going to answer questions about the specifics. He's already answered your general questions about our consulting expert agreement with him.

BY MR. CASCINO:

Q And are you going to follow your attorney's advice and not answer the question?

A Yes. I will follow his advice.

Q Is this retainer -- is it paid on an hourly basis?

A Yes.

Q And what is the hourly rate that you're currently

we're going to go.

MR. CASCINO: I asked him what work he was doing for him -- for you.

MR. METCALF: And he described generally what he does. We're not going to get into --

MR. CASCINO: I don't think he described anything. All he described was he supplied technical knowledge related to the process and the procedures.

MR. METCALF: And you've got your answer, and I'm going to instruct him not to answer if you go any further into the specifics of his consulting expert agreement with McGuireWoods or with Forman Perry.

BY MR. CASCINO:

Q And sir, are you going to listen to the advice of your attorney and not answer that question?

A Yes. I will follow his advice.

Q Did any of your consulting work involve litigation related to asbestos?

A Yes.

Q And that's different from what you said earlier that you were supplying technical knowledge; is that correct?

MR. METCALF: Object to the form of the

charging?

A \$100.

Q And so have you billed -- do you bill this or do they -- how do you tell them how many hours you've been working?

A I supply an invoice monthly stipulating which cases that I've supplied information on.

Q Okay. Do you have those monthly invoices going back to the year 2000?

A Not with me.

Q I asked you do you have those, though?

A I don't think I have them all, very frankly.

Q Okay. But you have some of them?

A Yes.

Q Will you please not destroy those? Because that would be destruction of evidence, and obviously no one wants to go in that type of direction.

MR. METCALF: Absolutely not. I object to your characterization like that.

MR. CASCINO: Well, if he were to destroy them, it would be -- it would be destruction of evidence. Okay?

MR. METCALF: It would absolutely not be because he has no duty to preserve invoices from a consulting relationship that he's had with

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1 attorneys in litigation. But I mean, we can take
2 that up at a later time.

3 MR. CASCINO: We will for sure.

4 MR. METCALF: But I object to that
5 characterization.

6 MR. CASCINO: Okay. Well, I would just
7 ask you to warn your witness that if he destroys
8 any of that, he may personally become liable.

9 MR. METCALF: Absolutely not.

10 I mean, you can make all the
11 statements you want like that, but he is -- he
12 would not be liable.

13 BY MR. CASCINO:

14 Q Sir, do you have any type of insurance?

15 MR. METCALF: Object to the form of the
16 question. This is beyond the scope of the
17 deposition. We're not getting into --

18 MR. CASCINO: Sir, in Wisconsin --

19 MR. METCALF: We're not getting --

20 MR. CASCINO: -- an individual can be
21 sued for their actions even if they work for a
22 corporation. So I'm asking the witness whether or
23 not he has any insurance.

24 MR. METCALF: And that is far beyond the
25 scope of this litigation. It's not even close.

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1 **A Yes. I'm going to follow his advice.**

2 Q Okay. And when did it change to \$100 an hour?

3 **A This last summer, September or October.**

4 Q Of 2013, sir?

5 **A Yes.**

6 MR. CASCINO: How long have we been on?

7 THE VIDEOGRAPHER: 49 minutes.

8 BY MR. CASCINO:

9 Q Were there any years that you were paid a
10 five-figure sum?

11 **A No.**

12 Q As a consultant, do you have access to any
13 documents that you would want from Weyerhaeuser?

14 MR. METCALF: And I'm going to object to
15 the form of the question and instruct him not to
16 answer.

17 As a consulting expert, our
18 communications are privileged, and we're not going
19 to get into what documents he's seen through that
20 relationship.

21 BY MR. CASCINO:

22 Q And sir, are you going to follow your attorney's
23 advice and not answer the question?

24 **A Yes, I'm going to follow his advice.**

25 Q Do you give Weyerhaeuser -- strike that.

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1 I'm going to instruct him not to
2 answer that. We're not getting into his
3 insurance. That is not a part of this lawsuit.

4 BY MR. CASCINO:

5 Q And sir, are you going to listen to your
6 attorney's advice and not answer the question?

7 **A I will listen to his advice.**

8 Q The invoices, what information -- what are they --
9 what is contained in the invoices?

10 **A The date, the number of hours, and the case
11 pertaining to.**

12 Q Okay. And has it always been \$100 per hour or has
13 it changed over the years?

14 **A It was initially \$75 an hour with McGuireWoods.**

15 Q Okay. Did you give consulting advice on the Larry
16 Rogers case?

17 MR. METCALF: I'm going to object to the
18 form of the question and instruct him not to
19 answer.

20 We're not getting into any specific
21 case. That information is privileged between the
22 law firm and our consulting expert.

23 BY MR. CASCINO:

24 Q And are you going to follow your attorney's advice
25 and not answer that question?

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1 Do you give the attorneys a
2 report -- a report or do you discuss it over the
3 telephone with them what your opinions are, what
4 they're asking --

5 MR. METCALF: And I'm going to --

6 BY MR. CASCINO:

7 Q -- or both?

8 MR. METCALF: I'm going to object to
9 that question. It's beyond the scope of this
10 litigation, but I'll -- I'll let him answer.

11 BY THE WITNESS:

12 **A Would you repeat the question, please.**

13 BY MR. CASCINO:

14 Q Yes, sir. Do you -- how do you go about reporting
15 under the consulting agreement? Do you give
16 written reports or do you give telephone
17 conversations or both?

18 **A It's primarily telephone communication with the
19 occasional fax, and that's the extent of it.**

20 Q So you don't give them a written report of any
21 type?

22 **A No.**

23 Q And are you being compensated today for attending
24 this deposition?

25 **A No.**

11 (Pages 41 to 44)

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1 Q Will you be compensated today for attending this
2 deposition?
3 A **No.**
4 Q So you're not going to bill them for this?
5 A **No.**
6 Q You're not going to bill them for this; is that
7 correct?
8 A **Not for this, no.**
9 Q Okay. And what about for preparation for this
10 deposition? Are you billing them for preparation
11 for this deposition?
12 A **Yes.**
13 Q How many hours have you worked preparing for this
14 deposition?
15 A **Five or six possibly.**
16 Q And how do you keep track of your time?
17 MR. METCALF: I'm going to object to the
18 question and instruct the witness not to answer.
19 We're not going to get into --
20 we've been -- I've let you go way more than you
21 have any right to into the substance of how he
22 performs his consulting expert job with attorneys,
23 and we're not going to get into any more details
24 on it.
25

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1 BY MR. CASCINO:
2 Q And sir, are you going to listen to your
3 attorney's advice?
4 A **Yes. I will listen to his advice.**
5 Q And not answer the question?
6 A **Yes.**
7 Q Aside from -- strike that.
8 In 2013, how many hours did you
9 do -- did you bill the law firms for your
10 consultation?
11 MR. METCALF: I'm going to object to the
12 question and instruct the witness not to answer.
13 We're not getting into the -- he's
14 already told you generally how much he made each
15 year. We're not going to get into the specifics
16 year by year of how much he's done, what he's
17 done, et cetera.
18 MR. CASCINO: So you're not -- I mean, I
19 don't want to argue with you, but I mean, you're
20 not going to let him tell me how many hours he
21 worked in 2013?
22 MR. METCALF: I am not.
23 BY MR. CASCINO:
24 Q Okay. And sir, are you going to follow your
25 attorney's advice and not answer that question?

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1 A **Yes. I'm going to follow his advice.**
2 Q Okay. Is your consulting work solely in
3 relationship with the work for attorneys?
4 A **No.**
5 Q Okay. What else does your consulting work
6 involve?
7 A **Importing products for -- door component products.**
8 Q And your deal is with the attorneys for the
9 importing products or is there an arrangement
10 between you and Weyerhaeuser concerning importing
11 products?
12 A **Nothing to do with Weyerhaeuser. It's an
13 independent firm, importing firm.**
14 Q I guess I don't understand. You're doing -- who
15 do you report to concerning the importing
16 production?
17 A **I'm reporting to the owner of the business that
18 does the importing.**
19 Q Okay. And is that part of the retainer that you
20 have with either McGuireWoods or Forman Perry?
21 A **No.**
22 Q That's a separate arrangement?
23 A **Yes.**
24 Q Okay. That has nothing to do with Forman Perry or
25 McGuireWoods?

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1 A **No, no.**
2 Q Okay. Were you ever a member of the union?
3 A **Yes.**
4 Q Which union were you a member of?
5 A **United Brotherhood of Carpenters and Joiners.**
6 Q Okay. And when did you become a member of that
7 union?
8 A **In the summer of 1957.**
9 Q And when did you cease being a member of that
10 union?
11 A **Mid-1965.**
12 Q And at that point in time, did you go on salary at
13 Weyerhaeuser?
14 A **Yes.**
15 MR. CASCINO: Why don't we take a
16 five-minute break.
17 THE VIDEOGRAPHER: Going off the record.
18 The time is 1:54.
19 (Recess taken from 1:54 p.m. until
20 2:04 p.m.)
21 THE VIDEOGRAPHER: We are on the record
22 with DVD No. 2. The time is 2:04.
23 BY MR. CASCINO:
24 Q Who at corporate in Washington is responsible for
25 health and safety of the plant in Marshfield,

12 (Pages 45 to 48)

1 Wisconsin?

2 MR. METCALF: I'm going to object to the
3 form of the question. Time frame?

4 MR. CASCINO: Well, during the period of
5 time that he knows, during the period of time he
6 worked.

7 BY THE WITNESS:

8 **A I don't know if there was anyone in -- in**
9 **Washington that was responsible for the safety at**
10 **this plant site.**

11 BY MR. CASCINO:

12 Q So to your knowledge, there was never anybody in
13 Washington who was responsible for health and
14 safety at the plant in Marshfield, Wisconsin?

15 MR. METCALF: Object to the form of the
16 question.

17 BY THE WITNESS:

18 **A I'm not sure if there was anyone responsible for**
19 **that in Washington.**

20 BY MR. CASCINO:

21 Q Okay. Who at corporate in Washington was
22 responsible for the production quotas for the
23 plant in Marshfield, Wisconsin?

24 **A I can imagine at one point in time was Laney**
25 **Osterheg, but he wasn't the only vice president of**

1 **that division. So it could have varied from year**
2 **to year, I'm sure.**

3 Q When Weyerhaeuser in Marshfield, Wisconsin, was
4 making fire doors that contained asbestos, what --
5 how many pounds of asbestos were being shipped in
6 on a -- on a monthly basis during the period of
7 time that you would have had knowledge -- such
8 knowledge?

9 MR. METCALF: Object to the form of the
10 question.

11 BY THE WITNESS:

12 **A I have no knowledge of that at all.**

13 BY MR. CASCINO:

14 Q Who would have been responsible for ordering the
15 asbestos at the Marshfield facility?

16 **A I can imagine it would be the purchasing agent.**

17 Q Okay. Can you give me the names of the various
18 purchasing agents who are still alive, giving
19 benefit of the doubt if you don't know that they
20 are still alive?

21 **A I don't know of any of them that are alive, to**
22 **tell you the truth.**

23 Q Who at corporate in Washington was responsible for
24 the medical surveillance program being conducted
25 at the facility in Marshfield, Wisconsin?

1 **A I don't know if Joe Wendlick was directly**
2 **responsible for it. I know that he was involved**
3 **in it, but I don't know if he was totally**
4 **responsible for it.**

5 Q What role, if any, did you have in the medical
6 surveillance program?

7 **A Just following the direction of the -- of the**
8 **medical personnel, as well as the corporate person**
9 **directing that effort.**

10 Q And who was the corporate person directing that
11 effort?

12 **A Joe Wendlick.**

13 Q And who did you follow the direction of in terms
14 of medical personnel?

15 **A Lois Brundidge.**

16 Q Anyone other than Lois Brundidge?

17 **A No.**

18 Q Prior to 1970, who was responsible for health and
19 safety at the Marshfield facility?

20 MR. METCALF: Object to the form of the
21 question.

22 BY THE WITNESS:

23 **A I don't recall who the safety director was then.**
24 **There were different persons in that -- in those**
25 **roles over the years, and I don't recall who that**

1 **was at that point in time.**

2 BY MR. CASCINO:

3 Q Was there one prior to 1970?

4 **A Yes.**

5 Q How early was there someone who was responsible
6 for health and safety at Marshfield?

7 **A To my -- to my knowledge, there was always**
8 **somebody responsible for safety.**

9 Q Okay. When you began there in 1957, do you know
10 who that person was?

11 **A As I recall, at that time it was -- the personnel**
12 **director was responsible for direct -- for safety.**

13 Q Okay. And how long did that continue that the
14 personnel director was responsible? Was that
15 through the 1960s?

16 **A No.**

17 Q Okay. How many years was the --

18 **A Sometime in the middle of the '60s, I know for**
19 **sure. I only know that because I became a**
20 **first-line supervisor. So the safety was the**
21 **responsibility of the safety director, and like I**
22 **say, it varied. There were different people in**
23 **that particular role.**

24 Q Who was in that role in the 1960s?

25 **A Jerry Saindon was one.**

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Q And Jerry Saindon wasn't until 19-- -- roughly 1970; is that correct?

A I thought it was late '60s.

A gentleman by the name of Wayne Kramer, who was also for a period of time, and that I know for sure was in the mid-'60s.

Q Okay. And Wayne Kramer, what was his background that would allow him to be responsible for safety at the -- health and safety at the Marshfield clinic [sic]?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A I don't know what the -- his background was as far as training to be a safety director, but all I know is that was his position.

BY MR. CASCINO:

Q And Jerry -- what's Jerry's last name again?

A Saindon, S-a-i-n-d-o-n, I believe it is.

Q What special training did he have to be health -- to be health and safety director, if any?

A I'm not sure what training he was put through to -- to earn that title.

Q Was there an industrial hygienist at the facility in Marshfield, Wisconsin?

question.

BY THE WITNESS:

A Did I play any role in that?

BY MR. CASCINO:

Q Yes, sir.

A It was -- it was designated where the asbestos emission levels were at that would require wearing of masks, and naturally I was the supervisor in that area so that's the role I had in it.

Q Were workers ever asked to wear a monitoring device to determine whether or not they had been exposed to asbestos?

A Yes.

Q And when was that, to your knowledge?

A Well, at different periods of time as designated by the corporate hygienist.

Q Is that something that the corporation in Washington would have done?

A They were responsible for it, yes.

Q Okay. And who for them was responsible for it?

A Joe Wendlick.

Q And what years, to your knowledge, did they first start doing any type of measuring by devices on the workers as to what their exposures to asbestos were?

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MR. METCALF: Object to the form of the question. Is there a particular time frame?

MR. CASCINO: Anytime.

BY THE WITNESS:

A Not to my knowledge.

BY MR. CASCINO:

Q And who was the industrial hygienist for the corporate office in Washington?

A I believe that would have been Joe Wendlick's title, but I'm not positive of that.

Q Did you have any role in determining who was going to be screened in the medical surveillance program?

A No.

Q What role did the office in Washington, the corporate office in Washington, play in the medical surveillance program, if you know?

A I don't know.

Q Did you play any role in the -- did you play -- let me start over again.

Did you play any role in determining where people would be required to undergo some type of wearing of a device to measure asbestos levels at their job?

MR. METCALF: Object to the form of the

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A I can only speak for the period after I went there, which was mid-1970, and it started -- it was going on after that point in time. I can't speak for prior to that.

BY MR. CASCINO:

Q Okay. Who determined what people would be -- wear devices to determine whether or not they were exposed to asbestos, and if so at what levels?

A Joe Wendlick.

Q Did Mr. Wendlick actually come out to the facility in Marshfield and do the monitoring with the help of others?

A Yes.

Q Is the only monitoring that occurred for individuals wearing these devices was when Joe Wendlick was around?

A Yes.

Q So any time that there were workers wearing these devices to measure how much asbestos they were exposed to would have been only when Joe Wendlick was present at the facility; is that correct?

MR. METCALF: Object to the form of the

14 (Pages 53 to 56)

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1 question.
 2 BY THE WITNESS:
 3 **A That was the only time that the monitoring was --**
 4 **was done, yes. That's all I can say.**
 5 **BY MR. CASCINO:**
 6 Q Okay. Now, there was also, I understand,
 7 monitoring done of areas of the plant. Is that
 8 your understanding, as well?
 9 **A All the -- all the workstations were monitored at**
 10 **one -- one point in time.**
 11 Q Were the offices monitored at one point in time?
 12 **A We only had one office that was adjacent to the**
 13 **laboratory, what we called the lab, and the person**
 14 **working in there was -- was monitored, yes.**
 15 Q And was that the boss that was monitored or was
 16 that an employee who was in that office?
 17 **A Employee.**
 18 MR. METCALF: Object to the form of the
 19 question.
 20 BY MR. CASCINO:
 21 Q Pardon? What was your answer, sir?
 22 **A It was the employee.**
 23 Q And when was the employee monitored in this
 24 office?
 25 **A Are you looking for a date and time or --**

1 **supervise that area.**
 2 **BY MR. CASCINO:**
 3 Q As to the areas that you were supervising, was
 4 there monitoring being done of those areas?
 5 **A Yes.**
 6 Q And how often was there monitoring being done of
 7 those areas for asbestos exposure?
 8 **A I can't recall how often it was. I just don't**
 9 **know.**
 10 Q Was it one time a year or two times a year?
 11 **A It was more than once a year.**
 12 Q When we're talking about monitoring, we're talking
 13 actually about the -- the area being monitored as
 14 opposed to the individual. Is that your
 15 understanding of my question?
 16 **A The individual -- the way I recall the monitoring**
 17 **is that each -- the individual being monitored**
 18 **wore a device that strapped to their belt with**
 19 **a -- with a tube going to the area where they're**
 20 **breathing and that, and that's how the exposure**
 21 **was measured.**
 22 Q Okay. And that would have been done when Joe
 23 Wendlick would be at the plant?
 24 **A Yes.**
 25 Q Can you define what is meant by fire door?

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1 Q Approximation of what year.
 2 **A All I know is it started in 1970.**
 3 Q Were there more than one measurement taken of
 4 different areas of the plant during the 1970s?
 5 **A More than one measurement in a given time period**
 6 **or more than --**
 7 Q Yes, sir.
 8 **A I don't recall the program that Joe had set up for**
 9 **taking those -- that monitoring. I know it was a**
 10 **time-weighted average; and in doing that, I -- I'm**
 11 **assuming that he did it more than one time. I**
 12 **guess I can't answer that.**
 13 Q Okay. Were measurements taken in the glue portion
 14 of the plant?
 15 **A I have no idea.**
 16 Q Were measurements taken in the mineral core part
 17 of the plant?
 18 **A Yes.**
 19 Q Were measurements taken where they did the sanding
 20 of the Kaylo?
 21 MR. METCALF: Object to the form of the
 22 question. Again, let's specify a time frame.
 23 BY THE WITNESS:
 24 **A I -- I can't answer what went on in the area of**
 25 **the -- where Kaylo was used because I did not**

1 **A A fire door is any door that has a stipulated**
 2 **rating that relates to a -- to a fire labeling**
 3 **agency such as Underwriters Laboratory or**
 4 **Intertech Testing Services.**
 5 Q Where is Intertech Testing Services located?
 6 **A Middleton, Wisconsin, and Antioch, California, I**
 7 **believe is the other location.**
 8 Q Were any of the formulas used for the materials
 9 that were inside the door core ever patented by
 10 anybody at Weyerhaeuser --
 11 **A Not to my knowledge.**
 12 Q -- to your knowledge?
 13 And the same would be true as to
 14 Roddis?
 15 **A Not to my knowledge.**
 16 Q Are you familiar with the forms of asbestos that
 17 were used in this -- door core materials when it
 18 contained asbestos?
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY THE WITNESS:
 22 **A What do you mean by forms?**
 23 **BY MR. CASCINO:**
 24 Q Well, do you remember that the materials contained
 25 chrysotile asbestos?

15 (Pages 57 to 60)

Videotaped Deposition of Ronald Koepke, 2/18/2014

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1 **A As I recall, chrysotile is a type of asbestos,**
 2 **yes.**
 3 **Q** Okay. And that it also contained amosite
 4 asbestos?
 5 **A Yes.**
 6 **Q** Throughout the entire period that asbestos was
 7 being used at Weyerhaeuser in Marshfield, is it
 8 your understanding that it would have contained
 9 amosite asbestos?
 10 **MR. METCALF:** Object to the form of the
 11 question.
 12 **BY THE WITNESS:**
 13 **A The mineral core that we made contained amosite**
 14 **asbestos, yes.**
 15 **BY MR. CASCINO:**
 16 **Q** That mineral core that you made, was some of that
 17 shipped over to Algoma for the hardwood plant
 18 there?
 19 **MR. METCALF:** Object to the form of the
 20 question.
 21 **BY THE WITNESS:**
 22 **A Yes.**
 23 **BY MR. CASCINO:**
 24 **Q** What years was Weyerhaeuser selling
 25 asbestos-containing materials to the hardwood

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1 **MR. METCALF:** Object to the form of the
 2 question.
 3 **BY THE WITNESS:**
 4 **A I don't know if it was patented. I have no idea.**
 5 **BY MR. CASCINO:**
 6 **Q** And you have no knowledge concerning the licensing
 7 agreement between Weyerhaeuser and Roddis and
 8 Owens-Illinois; is that correct?
 9 **A That's correct.**
 10 **Q** And to your knowledge, what are the -- who were
 11 the suppliers of the asbestos, say, from 1960
 12 forward?
 13 **MR. METCALF:** Object to the form of the
 14 question.
 15 **BY THE WITNESS:**
 16 **A As I recall, the chrysotile was supplied by Carey**
 17 **of Canada, and the amosite was supplied by North**
 18 **American Asbestos and the government services**
 19 **agency.**
 20 **BY MR. CASCINO:**
 21 **Q** And who was the supplier of the actual block
 22 materials, if you know, during the same time
 23 period?
 24 **MR. METCALF:** Object to the form of the
 25 question.

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1 plant in Algoma, Wisconsin?
 2 **A Probably -- for me it was from -- between 1971 and**
 3 **'76, and I -- although the plant was closed for a**
 4 **year or so in between there, so . . .**
 5 **Q** Which plant was closed?
 6 **A The Algoma hardwood plant -- well, it was U.S.**
 7 **Plywood up to a point, and then it was closed, and**
 8 **then opened later as Algoma Hardwood.**
 9 **Q** And when was it opened up as Algoma Hardwood?
 10 **A I believe mid-1974, but it might have been maybe**
 11 **'75, right in that time frame.**
 12 **Q** To your knowledge, does Weyerhaeuser or Roddis
 13 have any patents concerning the fire doors?
 14 **MR. METCALF:** Object to the form of the
 15 question.
 16 **BY THE WITNESS:**
 17 **A I don't think they're necessarily referred to as**
 18 **patents, no.**
 19 **BY MR. CASCINO:**
 20 **Q** Did Weyerhaeuser, to your knowledge, patent the
 21 process they came -- strike that.
 22 Did Weyerhaeuser patent the formula
 23 that was developed around 1966 or so of the -- of
 24 the fire door or anything related to the fire
 25 door?

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1 **BY THE WITNESS:**
 2 **A The block material meaning --**
 3 **BY MR. CASCINO:**
 4 **Q** Kaylo product.
 5 **A -- Kaylo?**
 6 **I believe that to be Owens-Corning.**
 7 **Q** When did the plant in Marshfield start to dump
 8 asbestos-containing waste in various places
 9 throughout Northern Wisconsin, Central Wisconsin
 10 and Michigan?
 11 **MR. METCALF:** Object to the form of the
 12 question.
 13 **BY THE WITNESS:**
 14 **A Well, to identify, I don't recall anything in**
 15 **Michigan. All I can relate to is a couple of**
 16 **landfills in this area, which I can only relate to**
 17 **after I became part of the mineral core plant,**
 18 **which was 1970. So that's -- that's all I can**
 19 **testify to.**
 20 **BY MR. CASCINO:**
 21 **Q** Okay. Was Weyerhaeuser dumping
 22 asbestos-containing waste in landfills during the
 23 1970s and the period of time that you're aware of?
 24 **MR. METCALF:** Object to the form of the
 25 question.

16 (Pages 61 to 64)

1 BY THE WITNESS:

2 **A The asbestos waste went to the landfills.**

3 **That's -- well, two that I know of.**

4 **BY MR. CASCINO:**

5 Q Okay. And you're saying your time period is what
6 period that you knew of these two?

7 **A Again, 1970 to 197- -- well, to 1978 that we were**
8 **using the asbestos for the -- for the mineral**
9 **core.**

10 Q And what are the names of the two landfills that
11 you're familiar with?

12 **A One was the Town of Spencer landfill, and the**
13 **other one was the Town of Cleveland or maybe it**
14 **might have been known by a different name, also,**
15 **that I'm not positive of. Those were township**
16 **landfills that I remember.**

17 MR. CASCINO: Would you mark this as
18 Exhibit No. 1?

19 MR. METCALF: Mike, do you mind
20 identifying this for us?

21 MR. CASCINO: It should be right on the
22 top. It's an official form, I think either the
23 Federal Government or the State of Wisconsin.

24 MR. METCALF: United States Geological
25 Survey State of Wisconsin. Marshfield Quadrangle

1 question.

2 MR. WATSON: Sir, before you mark the
3 map -- and Mike, I'm sure you could let me have a
4 running objection -- he's testified that he's
5 familiar with the disposal in landfills beginning
6 in a certain time period.

7 MR. CASCINO: 1970.

8 MR. WATSON: You've shown him a map that
9 dates to 1954.

10 MR. CASCINO: I don't think the world's
11 changed much.

12 MR. WATSON: In terms of having a
13 continuation objection, the mismatch dates between
14 the time that he's familiar with and the map.

15 MR. CASCINO: That's fine. I don't
16 think there's any difference, but you'd have to
17 show that.

18 MR. WATSON: So foundation as to any
19 questions asked with regard to the map and the
20 marking of the map with this witness who has
21 testified that he knows of landfills beginning in
22 1970, and the map being shown to him dating to
23 1954.

24 BY MR. CASCINO:

25 Q Can you show us where the landfills are located?

1 map. Does that sound right?

2 MR. CASCINO: That sounds pretty close.

3 MR. WATSON: Is it dated, if I could
4 ask?

5 MR. CASCINO: It should be.

6 MR. METCALF: I see 1954, it looks like,
7 and it's got a stamp on it of May 25th, 1956.

8 MR. CASCINO: Okay.

9 (Exhibit No. 1 was marked for
10 identification.)

11 BY MR. CASCINO:

12 Q Sir, directing your attention to what's been
13 marked as Plaintiff Exhibit No. 1, can you tell me
14 what that is? We have to go through certain
15 formalities.

16 **A It's a geological survey from the Department of**
17 **Interior in the State of Wisconsin.**

18 Q And using that -- that's basically the quadrangle
19 that contains Marshfield; is that right?

20 **A Yes.**

21 Q Can you be kind enough to put an X or a circle,
22 whatever you like, as to the two landfills that
23 you're aware of that asbestos was being dumped in
24 Spencer and Cleveland?

25 MR. METCALF: Object to the form of the

1 **A Well, the -- I may not be able to. I -- even**
2 **though I lived here all my life, I -- I didn't**
3 **reside in this area. So all I remember is that**
4 **the Town of Spencer landfill was north of the --**
5 **of a road that's now known as Spencer-Lincoln Road**
6 **which refers to the Town of Spencer and the Town**
7 **of Lincoln, and it was north of that, and -- I**
8 **don't know if I can pinpoint where that's at.**

9 Q It may have actually been off the map to the
10 northwest; is that correct?

11 **A No. I think it's -- it's -- if I can get myself**
12 **orientated here. Is this Highway V? It would be**
13 **east of Highway V -- school here. It's in this**
14 **area here (indicating).**

15 Q Could you circle that area, please?

16 **A I can, but I won't testify that that's a hundred**
17 **percent accurate, but I know it's in that**
18 **vicinity.**

19 MR. WATSON: Objection.

20 MR. CASCINO: Good enough.

21 MR. WATSON: Speculation. Same
22 objections as before.

23 BY THE WITNESS:

24 **A And likewise over here, I was only to each one of**
25 **those --**

1 **BY MR. CASCINO:**

2 Q Can you make that a little clearer there?

3 A (Witness complied.)

4 Q Beautiful. And why don't we draw a line over here
5 and then just put Spencer so we're all clear.

6 MR. WATSON: Same objections.

7 **BY MR. CASCINO:**

8 Q And then how about the one in Cleveland. Was it
9 actually in Cleveland or was it on a street called
10 Cleveland?

11 A **I think it was the Town of Cleveland, Township of**
12 **Cleveland.**

13 Q Okay.

14 A **As I recall, it was near a gravel pit, and I see a**
15 **gravel pit here that's north of -- is that 153?**

16 No. That's --

17 MR. WATSON: Same objection.

18 **BY THE WITNESS:**

19 A **I'm not sure that's the gravel pit that I'm**
20 **talking about. I don't think I can pinpoint that**
21 **on here, sir.**

22 **BY MR. CASCINO:**

23 Q Okay.

24 A **I just can't.**

25 Q And just so the record's clear, what is the reason

1 **BY THE WITNESS:**

2 A **Jim Genett, Jim Stargardt, and Jim Sala. All**
3 **three -- I guess you have to have a name Jim to be**
4 **a waste hauler.**

5 **BY MR. CASCINO:**

6 Q Do you remember the name of Charles Reno as being
7 a waste hauler?

8 A **Not during -- you said after 1970?**

9 Q Yes, sir.

10 A **Not -- no, he was not a waste hauler, I don't --**
11 **not on a permanent basis anyway during the 1970s.**
12 **I think he was prior to that.**

13 Q Okay. And who do you recall that -- was the
14 employees that were doing the waste hauling before
15 1970?

16 A **Charles did it part-time or whatever.**

17 Q That being Charles Reno?

18 A **Yes.**

19 Q Okay. Who else?

20 A **Arnie Wellner. That's the only one I can think**
21 **of.**

22 Q Okay. When, to your knowledge, was the last time
23 materials were, that contained asbestos waste
24 products, dumped outside the plant?

25 MR. METCALF: Object to the form of the

1 you can't?

2 A **I just -- I mentioned. I was only out there one**
3 **time. I rode with a person that was driving out**
4 **there, and I just didn't pay that much attention**
5 **to where it was at.**

6 Q Who did you ride with?

7 A **As I recall, it was Gallatin.**

8 Q Jim?

9 A **Jim Gallatin, G-a-l-l-a-t-i-n.**

10 Q Is Jim still alive?

11 A **Yes.**

12 Q I'm going to take that just so it doesn't -- I'm
13 going to hand it to counsel to hand to the court
14 reporter.

15 Who was in charge of the dumping
16 during the 1970s?

17 A **In charge of the dumping?**

18 Q Uhm-hm.

19 A **Well, if you mean who was in charge of the waste**
20 **haulers, that was Adolph Paasch.**

21 Q And can you give us the names of all of the waste
22 haulers that you recall doing this work?

23 MR. METCALF: Object to the form of the
24 question.
25

1 question.

2 **BY THE WITNESS:**

3 A **To my knowledge, it would be by the time we quit**
4 **using the asbestos, which would have been June**
5 **1978.**

6 **BY MR. CASCINO:**

7 Q I'm going to give you a sheet of paper -- blank
8 paper that I'd ask the court reporter to mark as
9 Plaintiffs' Exhibit No. 2.

10 MR. METCALF: Aren't we kind of getting
11 the cart before the horse? Let him --

12 MR. CASCINO: You go ahead. I don't
13 care which way we go.

14 MR. METCALF: -- draw something on
15 there.

16 MR. CASCINO: That's fine. Let him draw
17 something first, and then we can.

18 MR. METCALF: Make sure we actually want
19 to make it an exhibit.

20 THE WITNESS: Yeah.

21 **BY MR. CASCINO:**

22 Q All right. Around 1966, am I correct that they
23 built a new mineral core building?

24 MR. METCALF: Object to the form of the
25 question.

1 BY THE WITNESS:

2 **A I believe it was in that time frame. I'm not sure**
3 **exactly.**

4 **BY MR. CASCINO:**

5 Q Okay. Can you draw us a picture of the plant as
6 it existed before they built the new building?

7 MR. METCALF: Object to the form of the
8 question.

9 **BY MR. CASCINO:**

10 Q In other words, show us the office, where the
11 office was, show us where you worked, in the glue
12 department, show us, you know, which buildings --
13 show us where the baghouse was, show us where the
14 cyclone was, an overview of the plant as it
15 existed prior to the construction of the new
16 mineral core building.

17 MR. METCALF: And you're asking about
18 the entire Marshfield facility, all the
19 Weyerhaeuser?

20 MR. CASCINO: There's not that many, but
21 yes.

22 MR. METCALF: Just making sure.

23 **BY THE WITNESS:**

24 **A Well, there is quite a few.**
25

1 MR. WATSON: I just don't want the
2 witness to feel like he's rushed.

3 MR. CASCINO: No. He can take his -- I
4 want him to take his time.

5 MR. METCALF: And to be clear, we're
6 talking -- this is about 1965, obviously before --

7 MR. CASCINO: Pre whenever they changed
8 the building, '65, '66.

9 MR. METCALF: All right.

10 MR. CASCINO: Yeah, before that.

11 MR. METCALF: I just wanted to be clear
12 because "before" could mean decades before. I'm
13 just -- we're establishing around 1965, shortly
14 before they built the facility.

15 THE WITNESS: You want me to describe
16 what this is now?

17 **BY MR. CASCINO:**

18 Q Yeah. Take your time, and then we'll --

19 **A Well, I don't know how much detail you want here,**
20 **but . . .**

21 Q Okay. Let me politely -- the line that you've
22 drawn across there, those are the railroad
23 tracks?

24 **A Yes. Okay.**

25 Q All right. And then there's a building there --

1 **BY MR. CASCINO:**

2 Q Go ahead.

3 **A That's a 60-acre facility --**

4 Q Okay.

5 **A -- that housed five or six businesses, and each**
6 **one was in a separate building, and so . . .**

7 Q Take your time.

8 **A To get orientated, I guess I'd draw the railroad**
9 **track in here (indicating). This pen is not --**

10 MR. METCALF: If you want to, you can
11 borrow -- my pen's a little bit better.

12 MR. CASCINO: See, I can't have the
13 Sharpies around anymore because my daughter
14 actually smells them. Of course, we used to smell
15 our test paper, right, have it running off?
16 That's before your time.

17 THE WITNESS: You wanted it before the
18 mineral core plant was built?

19 **BY MR. CASCINO:**

20 Q Yes, sir.

21 **A (Witness complied.)**

22 MR. WATSON: Mike, do you want to do
23 this on the record or do you want --

24 MR. CASCINO: No. That's fine. I don't
25 care. Yeah, we'll just do it on the record.

1 is this a building here?

2 **A That's the multistory door building -- door**
3 **factory that was -- with a basement and three**
4 **stories.**

5 Q And what should we call that?

6 **A Door mill.**

7 Q Okay. Could you write "door mill" there?

8 **A (Witness complied.)**

9 Q Okay. And then it looks like there's two other
10 buildings. Can you tell us what those are?

11 **A These would be -- well, the multi- -- this is the**
12 **dry kiln area; this would be the shipping room**
13 **area, which also had two stories to it, and I'll**
14 **put "detail" below that (indicating).**

15 **This was finishing; this was**
16 **warehouse; and then I thought there was a bigger**
17 **warehouse next-door here, like (indicating); and**
18 **this was particle board and molded products.**

19 Q Where were the offices located?

20 **A Oh. Well, the main office was over across the**
21 **street over here. There was a street that went**
22 **through here (indicating).**

23 Q Okay.

24 **A And the main office was over here (indicating).**

25 Q Do you know offhand if that's the office that Rita

1 Treutel --
 2 **A Treutel.**
 3 Q -- Treutel worked at?
 4 **A No. She worked in departmental offices.**
 5 Q Okay. Where are the -- which building is the
 6 department offices in?
 7 **A Well, there's one in each -- almost every**
 8 **department had an office.**
 9 Q What department was she in?
 10 **A She was in finishing the first years that I was**
 11 **supervisor out there, and left there, I think, in**
 12 **the early '70s and went to this detail area in the**
 13 **basement to an office down there.**
 14 MS. ELLIS: Can we go off the record for
 15 a second?
 16 THE VIDEOGRAPHER: Going off the record.
 17 The time is 2:42.
 18 (Recess taken from 2:42 p.m. until
 19 2:47 p.m.)
 20 THE VIDEOGRAPHER: We are back on the
 21 record at 2:47.
 22 BY MR. CASCINO:
 23 Q Okay. The roads there, are those railroads or are
 24 those --
 25 **A This -- this is the main railroad track, and the**

1 **A It would be right -- right about here**
 2 **(indicating).**
 3 Q If you could just put a P in the middle of that
 4 box.
 5 **A I'll put "PH" here.**
 6 Q All right. And where was there a dust system
 7 prior to the building of the new building? In
 8 which facilities?
 9 **A Well, there's workstations throughout this mill,**
 10 **and the -- on top of the roof, there were -- there**
 11 **were blowers that would create suction that would**
 12 **then blow this debris over to cyclones above the**
 13 **powerhouses. That was all combustible material**
 14 **that could be used as -- as blower fuel, and**
 15 **that's basically the system that existed until --**
 16 **until later when they -- when they started**
 17 **installing baghouses.**
 18 Q Okay. Now, that's a great map, and it shows a
 19 good picture of the facility.
 20 **A I'm not much of an artist.**
 21 Q Well, it does because it helps us -- I think all
 22 of us out.
 23 Now, the door mill -- excuse me for
 24 reaching. The door mill, you said, was a
 25 three-story building?

1 **road actually runs on the other side of that, and**
 2 **then there's spurs coming off that would bring**
 3 **railroad cars into these various -- these two**
 4 **locations (indicating).**
 5 Q Great.
 6 **A Actually, there was one more on the other side**
 7 **here, too, which is irrelevant, I guess.**
 8 Q Where would the baghouse be at?
 9 MR. METCALF: Object to the form of the
 10 question.
 11 BY THE WITNESS:
 12 **A Well, at the point in time you're talking about, I**
 13 **don't recall any baghouses prior to 1966 or**
 14 **whatever.**
 15 BY MR. CASCINO:
 16 Q Okay. Were there vacuum systems inside the plant
 17 before 1966 that would help remove asbestos from
 18 the area of the plant that workers were working in
 19 or did that come after 1966?
 20 **A No. There was a -- there was naturally a dust**
 21 **collection system that took dust from all the work**
 22 **centers to a -- well, it was adjacent to this door**
 23 **mill here (indicating), which is the powerhouse,**
 24 **which I didn't leave enough room here for that.**
 25 Q Where would the powerhouse be? It was to --

1 **A Actually, four if you count the basement.**
 2 Q Four-story. Okay. So in the door mill, we've got
 3 a basement, and then it's got three floors above
 4 the basement, correct?
 5 **A That's correct.**
 6 Q What was being done at this point in time in the
 7 basement?
 8 **A It was a department called dry clipping, and what**
 9 **that means is that they would clip the dry veneer**
 10 **just to make it straight and true and without any**
 11 **regular lines in it, and it was a storage for**
 12 **veneer flitches; and also the hog was down there**
 13 **that -- where it would hammer up the pallets and**
 14 **wood that could be then blown to the -- to that**
 15 **same hopper I'm talking about above the**
 16 **powerhouse.**
 17 Q And did that include when there was asbestos being
 18 used? Was that involved with the hog, as well,
 19 that material?
 20 **A The asbestos was never involved with the hog.**
 21 Q Did Mr. Obermeier -- did he work down there by the
 22 hog?
 23 **A Yes.**
 24 Q And was part of his job pushing up the materials
 25 that were collected in the hog?

1 **A Yes.**
 2 **Q** And the veneer department, that had nothing to do
 3 with asbestos; is that right?
 4 **A That's correct.**
 5 **Q** Where in the basement, if anywhere, would there
 6 have been any types of asbestos materials, if at
 7 all, before 1966 when the buildings changed?
 8 **A To my knowledge, there would be none.**
 9 **Q** Now, you said there are three floors on top of
 10 that, correct?
 11 **A Right.**
 12 **Q** What was on the very first floor that was
 13 aboveground?
 14 **A The first floor on the south end of that**
 15 **building -- this is -- this is north, this is**
 16 **south (indicating).**
 17 **Q** Could you put "north" and "south" on that?
 18 **A Sure.**
 19 **Q** That'd be great.
 20 **A (Witness complied.) Obviously, this is south.**
 21 **BY MR. CASCINO:**
 22 **Q** No. That's all right. We understand.
 23 **A Okay. So on the south end of this building on the**
 24 **first floor was the veneer mill and veneer dryers.**
 25 **Q** Was there anything else on the first floor of the

1 door mill?
 2 **A Yes. On the north end of the first floor was the**
 3 **core mill.**
 4 **Q** And what did they do in the door -- in the core
 5 mill?
 6 **A The core mill is where the initial components of**
 7 **the door were put together such as the core, the**
 8 **stiles and the rails is basically what they did**
 9 **there.**
 10 **Q** Did they -- I'm sorry. Go ahead.
 11 **A They did manufacture what was called stave core**
 12 **where small blocks were glued together end to end**
 13 **and side to side to form a solid core of whatever**
 14 **particular size you wanted to make.**
 15 **Q** And the core materials, were they using at this
 16 point in time core materials that were shipped in
 17 or were they making their own at this point? When
 18 did they start the slurry process?
 19 **MR. METCALF:** Object to the form of the
 20 question.
 21 **BY THE WITNESS:**
 22 **A There's no slurry process in the core mill.**
 23 **BY MR. CASCINO:**
 24 **Q** Okay.
 25 **A That's all solid materials, and they assembled**

1 **core of the various types of doors that we made.**
 2 **That was more than just one type of door.**
 3 **Q** Okay. Were approximately 50 percent of the sales
 4 fire doors versus nonfire doors?
 5 **A No.**
 6 **Q** What percentage of the sales were fire doors in
 7 your opinion versus nonfire doors?
 8 **MR. METCALF:** Object to the form of the
 9 question.
 10 **BY MR. CASCINO:**
 11 **Q** And I'm not including the --
 12 **A Well, let me --**
 13 **Q** Go ahead. Please rephrase it.
 14 **A I guess I need for you to quantify what you would**
 15 **call fire door. There's various types of fire**
 16 **doors.**
 17 **So I want to retract my comment**
 18 **about it being 50 percent. It very probably could**
 19 **have been -- if you incorporate 20-minute,**
 20 **30-minute, 45-minute, 60-minute and 90-minute**
 21 **doors, it very probably is over 50 percent.**
 22 **Q** Which of the doors in terms of fire protection
 23 periods of time would have contained asbestos at
 24 this period of time?
 25 **A Are you talking about -- well, anytime we were**

1 **using asbestos, I suppose. Is that what you're**
 2 **saying?**
 3 **Q** The doors --
 4 **MR. METCALF:** I thought we said -- we're
 5 talking about the 1965 time period?
 6 **MR. CASCINO:** Yes.
 7 **MR. METCALF:** Okay.
 8 **THE WITNESS:** Okay. And your question
 9 is what percentage of them would be
 10 asbestos-containing doors?
 11 **BY MR. CASCINO:**
 12 **Q** Yes, sir.
 13 **A Approximately 20 to 25 percent.**
 14 **Q** Okay. Was there anything else on the first floor
 15 of the door mill?
 16 **A On the north end of it was the -- the stockroom as**
 17 **it was called, where the expendables for the mill**
 18 **were dispensed from.**
 19 **Q** Would that include pipe covering?
 20 **A I don't think so.**
 21 **Q** Where was the pipe covering kept?
 22 **A I'll tell you. I ran out of room here, but there**
 23 **was -- there was another maintenance facility over**
 24 **here along that north fence that I -- to my**
 25 **knowledge, was -- might be where they stored that.**

1 Q Okay. This first floor of the building, did it
2 have different rooms?
3 A **It was a pretty open span building except that**
4 **there was -- it's not totally open span. There**
5 **was supporting posts, obviously, because it's a**
6 **multistory building. So it was not a -- there was**
7 **no partition, let's put it that way.**
8 Q So on the first floor, basically, it has posts
9 that hold up --
10 A **Yes.**
11 Q -- the floor above, and other than that, it's an
12 open area?
13 A **I believe it was about every 30 feet there was a**
14 **post.**
15 Q Okay. And how would you get to the second floor?
16 A **There was an elevator on the north end as well as**
17 **on the south end --**
18 Q Okay.
19 A **-- that went from the basement clear to the third**
20 **floor.**
21 Q Okay. And was the -- was the -- and you'd get to
22 the second floor via the elevator; is that right?
23 A **Yes.**
24 Q Was there any type of grated floor -- flooring on
25 the second floor?

1 A **Yes.**
2 Q And how much -- when you say "grated," you mean
3 like there would be holes in it?
4 A **No.**
5 Q What do you mean by -- define grated.
6 A **I thought when you said grating, it was a steel**
7 **plating actually that covered the floor.**
8 **It was a hardwood floor, and the**
9 **floor would wear out with these electric jimmys**
10 **that we ran up and down with these heavy loads.**
11 **So they lined the aisles with steel plating.**
12 Q What was done on the second floor?
13 A **On the south end of the second floor was the glue**
14 **room.**
15 Q And what about on the north side?
16 A **Well, halfway or a third of the way through the**
17 **second floor was the beginning of saw and sand,**
18 **and that's where the doors were sized and**
19 **polished.**
20 Q And where would they do the cutting of windows or
21 cutting for -- or drilling for locks?
22 MR. METCALF: Object to the form of the
23 question.
24 BY MR. CASCINO:
25 Q Was that on the second floor?

1 A **What time frame are you talking about?**
2 Q Pre-1965, '66, when the new building comes into
3 play.
4 A **I'm not sure if it was being done there at that**
5 **point in time.**
6 **My time frame takes me to the**
7 **basement -- to the basement area below shipping is**
8 **where they did the light cutouts and the window**
9 **cutouts -- or the lock cutouts.**
10 Q Okay. So was a -- are you saying, then, that
11 the -- that type of work, the cutouts and the
12 drilling to put locks in, was done in the basement
13 at this period of time? Is that your
14 recollection?
15 A **I don't know exactly when that went to the -- to**
16 **the basement area.**
17 Q Okay. Was there anything else on the second
18 floor?
19 A **Yes.**
20 Q What else?
21 A **Door inspection.**
22 Q Okay.
23 A **See, this is -- I should draw -- the door**
24 **inspection area actually extended over the top of**
25 **what I got shown here as the dry kiln area. Maybe**

1 **I need to write that in there somehow or another,**
2 **but -- well, we're not writing the department,**
3 **too, but this building made an L shape like that,**
4 **and over the top of this dry kiln area was another**
5 **building, and that housed the inspection area; and**
6 **there was another what they call a bridge that**
7 **went over the top of that, and there was**
8 **another -- I'm sorry; it was this way -- was**
9 **another elevator that took doors down to the**
10 **shipping area from that second floor.**
11 Q All right. Was the second floor also an open area
12 that had posts in it?
13 A **Yes.**
14 Q Okay. What was going on on the third floor?
15 A **The third floor was -- it was an extension of the**
16 **veneer mill actually where the flitches that were**
17 **prepared in the basement area would come up one --**
18 **one of either elevators to the third floor, and on**
19 **that floor, the flitches were spliced together. I**
20 **don't know if you understand how veneer is made,**
21 **but they're spliced together.**
22 Q Explain what you mean by "spliced together" so we
23 do understand.
24 A **Well, there's -- the flitches is actually a**
25 **section of the veneer that comes off the log,**

1 unless it's a rotary cut, where we were using what
2 was called half-round or sliced, and you come up
3 with a flitch. Those flitches were bookmatched,
4 and those edges would be glued together to form
5 whatever width face you wanted. So the splicing
6 machines were on that floor.

7 First of all, the glue was sprayed
8 on those edges clear down to the basement, and
9 then when they were brought up there and put
10 together, they were run through this machine that
11 had a heating element on it that activated this
12 heat-reactant glue, and it would glue that.

13 And almost that entire floor was --
14 was operated by ladies because they're more
15 nimble-fingered than men. Men weren't able to do
16 that.

17 Q Were there stairs that went from floor to floor?

18 A Yes. You could walk it or -- these freight
19 elevators were freight elevators. They were not
20 for public traffic for the most part.

21 Q The stairs, were they -- how many staircases were
22 there?

23 A One on each end of the building, adjacent to each
24 elevator.

25 Q Was the third floor also one of these open areas

1 where they had the posts that held it up?

2 A It had less posts because of -- they had the
3 trusses and so on that went across the top. There
4 were less posts up there, than below.

5 Q Okay. These stairs, how wide were the stairs?

6 A At least four feet wide.

7 Q Okay. Well, four -- okay. And the stairs that --
8 that -- go ahead.

9 A I'm sorry. I hit her machine.

10 Q Pardon?

11 A I hit her machine.

12 Q Oh. As long as you don't hit her.

13 These stairs, did they -- were they
14 an open area, you know, where it had like a
15 railing or did they -- were they enclosed?

16 A They were open.

17 MR. METCALF: Object to the form of the
18 question.

19 BY MR. CASCINO:

20 Q Okay. All right. At some point in time they did
21 away with the door mill, is that correct, or did
22 they --

23 A You're talking about this particular --

24 Q Yes.

25 A Yes.

1 Q All right. Did they tear that building down or
2 did they just rebuild it?

3 A Tore it down.

4 Q Tore it down. Okay.

5 And what did they -- and what do
6 you call the door mill there, what did they -- is
7 that known as now the core mill?

8 A No. It's referred to as the door mill, but it's a
9 single -- single-level facility.

10 Q So they switched from a three-floor building with
11 a basement to a one-floor building?

12 A Yes.

13 Q Do they also still use the basement?

14 A There's no basement.

15 Q Okay. So it's a one-floor building?

16 A Yes.

17 Q All right. Is this one-floor building -- is this
18 an open area?

19 A For the most part, yes.

20 Q Okay. What parts were not opened?

21 A Well, I know -- I guess what I'm saying is there's
22 not many posts. It's just a -- with it being only
23 one story, there's no need for as much support as
24 you would need in a multistory. So it's just --
25 that's all I meant by that.

1 Q So it's one big floor building?

2 A Yeah.

3 Q Like every employer dreams of so they can watch
4 their employees. That's off the record. You
5 don't have to answer it. I'll withdraw it. I
6 didn't mean to ask it, but it's true.

7 A Can I just clarify?

8 Q Sure. Please clarify.

9 A They did not knock down the shipping and detail
10 area. That was a new -- this particular building
11 was built in 1897 or 1898, so consequently, it was
12 very old.

13 The shipping detail area was
14 fabricated in 1954, something of that nature. So
15 it's relatively new, and it's all concrete.

16 Q So they -- okay. And then so that building
17 remained the shipping --

18 A Yes.

19 Q -- as is?

20 What about the one above it, the
21 dryer kill [sic]? Did that remain the same?

22 A No. That was -- that was part of the door mill.

23 Q And that would become part of the door mill
24 whenever they made the change?

25 A No, no.

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1 Q Go ahead.
 2 A **Well --**
 3 Q I'm sorry. I just want -- did they tear it down
 4 or did they --
 5 A **They tore it all down. The whole thing was tore**
 6 **down except the shipping and detailing.**
 7 Q Okay. And then the dry kill [sic] went into the
 8 one-floor building when -- when it was built?
 9 A **Well, if I can explain.**
 10 Q Please.
 11 A **So much of what's happened with that, they become**
 12 **more of a fabricator than a true manufacturer of**
 13 **all the components. So you don't need some -- you**
 14 **don't need veneer dryers, and you don't need dry**
 15 **kilns in that particular . . .**
 16 Q Would the sanding be done on the draw -- when it
 17 was -- okay. We're going to switch to make it
 18 clear.
 19 Now I'm talking about post
 20 1965-'66, whenever the new building comes into
 21 play.
 22 MR. METCALF: And just to be clear,
 23 which new building?
 24 MR. CASCINO: The door mill building,
 25 which he's calling the door mill building.

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1 MS. ELLIS: No.
 2 THE WITNESS: We're talking now then
 3 1993 or '94.
 4 MR. CASCINO: We're talking about
 5 1965-'66, when they go to their -- okay. When
 6 was -- let's go back.
 7 BY MR. CASCINO:
 8 Q When was the new building built?
 9 A **Which building are we talking about?**
 10 Q The door mill.
 11 A **1993 or '94.**
 12 Q Before that period of time, it was a three-floor
 13 building?
 14 A **Four with the basement, yes.**
 15 Q Okay. And when it was a three-floor building, on
 16 what floor did they make the actual core -- the
 17 asbestos-containing core materials?
 18 A **Didn't make it there at all.**
 19 Q At some point in time they had the enclave [sic]
 20 process --
 21 A **Autoclave.**
 22 Q Excuse me.
 23 (Continuing) -- autoclave process
 24 being used?
 25 A **Yes.**

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1 Q And the autoclave process was for making what?
 2 A **Mineral core.**
 3 Q And that included mineral -- that was mineral core
 4 that contained asbestos, correct?
 5 A **Yes, uhm-hm.**
 6 Q When did they start -- strike that.
 7 What floor did they make the
 8 mineral core on prior to 1993?
 9 A **They didn't make it on any of those floors.**
 10 Q Where did they make -- where was the autoclave?
 11 A **They built a new building in this area.**
 12 Q Okay. And you're pointing to an area that is
 13 below what?
 14 A **There's a veneer warehouse there, still there.**
 15 Q Okay. And south of the veneer warehouse they
 16 built a new building?
 17 A **Yes.**
 18 Q And that's where they made the door core material
 19 that contained asbestos?
 20 A **Yes.**
 21 Q All right. That building there, did -- how many
 22 floors was it?
 23 A **One.**
 24 Q And was it also an open area?
 25 A **Yes.**

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1 Q And what other things were being done in the door
 2 core -- this new door core area?
 3 A **Nothing.**
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY MR. CASCINO:
 7 Q Pardon?
 8 A **Nothing. That's all that happened there.**
 9 Q Autoclave?
 10 A **Well, it was autoclaves and the process of making**
 11 **mineral core, yes.**
 12 Q And that mineral core, was that used by
 13 Weyerhaeuser to make door core?
 14 A **Yes.**
 15 Q Okay. And was it also materials that were sold to
 16 others?
 17 A **Yes.**
 18 Q And who was it -- what are some of the examples of
 19 people it was sold to?
 20 A **Algoma Hardwoods, Eggers Industries, Paine Lumber.**
 21 **Eventually when we made banded core, to Mohawk,**
 22 **General Veneer, Haley Brothers.**
 23 Q Okay.
 24 A **That's maybe all I can think of right now.**
 25 Q I think that's pretty good.

24 (Pages 93 to 96)

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1 And the -- what we're talking
2 about, then, is a building that is south of
3 shipping and detail?
4 **A No. It's over here (indicating).**
5 **Q** I'm sorry; I'm sorry. It's below the warehouse?
6 **A Right.**
7 **Q** Okay. And how many entrances does that building
8 have, this one-story building that's south of the
9 warehouse?
10 **A If I can just point to it, it was one -- as far as**
11 **just walking entrances?**
12 **Q** Yes, sir.
13 **A There was two.**
14 **Q** Okay. And were those doors ever kept open, say,
15 when it was summertime?
16 **A Yes.**
17 **Q** Okay. And were there windows in that building?
18 **A No.**
19 **Q** And the doors, they would be open at -- how big
20 were these doors? Were they garage door size or
21 were they --
22 **A Walk-in doors were 3 by 7 doors like that**
23 **(indicating).**
24 **Q** Okay. And at this point in time -- and again,
25 we're looking south of the warehouse, there's

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1 nothing on the diagram to indicate the building,
2 but that's where it's at; is that right?
3 **A I think what you asked me to draw was pre-1967 --**
4 **Q** Exactly. So this is post 1965-'66 that there's a
5 building here (indicating)?
6 **A Yeah. '68 -- '66, I guess it was built.**
7 **Q** Around the same time period.
8 Can you draw that building, but put
9 a big X in it so we know that that's the door core
10 building, and we know that that's not part of what
11 was there prior to 1966?
12 **A You want an X on that?**
13 **Q** Yeah, put an X on that.
14 **A Just to explain it.**
15 **Q** Just to explain it.
16 **A It had a jog in it. That was open down in there.**
17 **Q** Gotcha.
18 **A And these are the autoclaves sticking out the end**
19 **here (indicating).**
20 **Q** Maybe do an X on there, so we know it's all
21 post 1965-'66.
22 **A (Witness complied.)**
23 **Q** Beautiful.
24 **A Should I mark that as mineral core?**
25 **Q** Go ahead. Maybe draw an arrow into a box and put

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1 "mineral core," so we're all real clear.
2 **A (Witness complied.)**
3 **Q** All right.
4 **A Okay.**
5 **Q** All right. So they made the -- post-1965 or '66,
6 they build this building, mineral core, and this
7 is where they actually make the
8 asbestos-containing blocks; is that correct?
9 **MR. METCALF:** Object to the form of the
10 question.
11 **BY THE WITNESS:**
12 **A Yes.**
13 **BY MR. CASCINO:**
14 **Q** All right. And when a block is made, what happens
15 to it? Where does it go?
16 **A After it was totally processed, it would go into**
17 **this warehouse and be stored over here**
18 **(indicating).**
19 **Q** Okay. And that's the warehouse that's directly
20 north of the mineral core building that was built
21 in '65 or '66?
22 **A Yes, uhm-hm.**
23 **Q** Okay. And what would be done to it in the
24 warehouse? Would it just sit there or what would
25 be done?

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1 **A Just stacked up on pallets.**
2 **Q** All right. When they needed to use the material,
3 where would the -- where would the product go?
4 **A A lift truck driver would pick it up out of this**
5 **warehouse. I didn't draw it in because there was**
6 **a road that went down here, and -- I drew that**
7 **railroad track too far. It ended actually right**
8 **here.**
9 **Q** All right.
10 **A And they could go down this road, and into this**
11 **dry kiln area was an entrance to the core mill,**
12 **which is, as I mentioned, on the north end of the**
13 **door mill. That's where the core mill went.**
14 **Q** So the material -- and I apologize for reaching
15 over.
16 **A That's okay.**
17 **Q** The material would go from the mineral core --
18 **A It'd go out this door and down the -- there was**
19 **a -- this is a dock into that warehouse.**
20 **Q** Into the warehouse?
21 **A Right.**
22 **Q** And then from the warehouse it would go to the dry
23 kiln?
24 **A Well, it's the core mill.**
25 **Q** Core mill.

25 (Pages 97 to 100)

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1 **A There was an alleyway in here. It's hard to draw**
 2 **that on here.**
 3 Q You did great.
 4 **A And it was a -- the entrance to the core mill,**
 5 **north end of the core mill.**
 6 Q And so they would drive it -- a truck driver would
 7 drive it from mineral core to the warehouse?
 8 **A Yep.**
 9 Q And then a truck driver would drive it from the
 10 warehouse to the dry klin -- kiln, sorry.
 11 **A Well, into the core mill.**
 12 Q Into the core mill. All right. Okay.
 13 And would it go through the dry
 14 kiln building or not?
 15 **A Well, there was, like I say, an alleyway here that**
 16 **went right through here that they could drive in.**
 17 Q Between the door kiln and the shipping and detail?
 18 **A Yeah, uhm-hm.**
 19 Q All right. And these trucks, what kind -- what
 20 did these trucks look like?
 21 **A They were lift trucks.**
 22 Q When I think of a lift truck, I think of like a --
 23 **A That's exactly what it is because that's exactly**
 24 **what they are or were.**
 25 Q Okay. And what did they look like?

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1 **A They had what we called tongs sticking out the end**
 2 **of them that would pick up a pallet.**
 3 Q Okay.
 4 **A And pick it up off the ground and you could try**
 5 **one, you could take it up to higher heights and**
 6 **set it up on the ledge or whatever.**
 7 Q Okay. I gotcha now.
 8 **A A warehouse lift truck.**
 9 Q The warehouse lift trucks, were those
 10 battery-operated or gas-operated?
 11 **A We had both. These happened to be LP-operated.**
 12 Q Okay. And this -- they would pick it up on a
 13 pallet; is that right?
 14 **A Right.**
 15 Q And the pallet, did it have anything over the
 16 pallet?
 17 **A Not --**
 18 MR. METCALF: Object to the form of the
 19 question.
 20 BY THE WITNESS:
 21 **A Not -- no.**
 22 **BY MR. CASCINO:**
 23 Q Okay. And it's simply like a forklift truck.
 24 Would that be a good description?
 25 **A Yes.**

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1 Q All right. And so it would pick up the -- it
 2 would pick up the asbestos block or mineral core
 3 and drive it outside to the warehouse, correct?
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 **A Yes.**
 8 **BY MR. CASCINO:**
 9 Q Okay. And then when they needed the product over
 10 in the door mill, they would, again, use these
 11 forklifts to -- on pallets to move the material --
 12 **A Yes.**
 13 Q -- from the warehouse to the door mill?
 14 **A Yes.**
 15 Q And in the process, they would go by -- would they
 16 go actually in the dry kiln or was it by the dry
 17 kiln?
 18 **A Just down past it, just to get into the core mill.**
 19 Q Okay. It was a -- the dry -- did the dry kiln
 20 have a wall on the south side of it?
 21 **A There were doors on the dry kiln. The purpose of**
 22 **a dry kiln is to dry lumber.**
 23 Q Right.
 24 **A So you would put lumber in there, close the doors**
 25 **and leave them in there for a predetermined length**

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1 **of time, and then it was just -- it was just an**
 2 **alleyway.**
 3 Q Just an alleyway?
 4 **A Right.**
 5 Q Okay. And that would go to the door mill?
 6 **A Right.**
 7 Q And then what would they do in the door mill?
 8 **A It was in the core mill of the door mill. It was**
 9 **a separate department within the door mill. It**
 10 **was called the core mill.**
 11 Q Okay.
 12 **A And that core was taken in there, and of course,**
 13 **the people in the core mill worked off directions**
 14 **from a -- it was called a ticket that would tell**
 15 **them exactly what the size of that door was going**
 16 **to be; and you have to realize that a commercial**
 17 **door could be any size, and so that's what they**
 18 **did. They assembled that core with stiles and**
 19 **rails on it to be fabricated into a door.**
 20 Q Okay. And then where would they do the cutting
 21 or -- you know, to make windows, for example, or
 22 drilling to make -- where locks would work?
 23 **A In the detail department.**
 24 Q All right. And how would the material go from the
 25 door mill to the detail department?

A Well, first it'd have to go to the second floor to be made into a door.

Q Okay.

A And then it would go through saw and sand, and then it would go to door inspection -- I take that back.

It would first go to detail, and then depending on if it would get finished or not, if it didn't get finished, it would go through inspection. If it was going to get finished, it would go from detail to finishing; and after it was finished, it would go back to the shipping room.

Q Gotcha.

MR. CASCINO: All right. Can we mark that as Plaintiff Exhibit No. 2. And thank you very much. That was very, very helpful.

THE WITNESS: I don't know if anybody can make any sense out of that.

MR. CASCINO: The first one who has.

THE WITNESS: Oh.

MR. CASCINO: Hand it back to him.

(Exhibit No. 2 was marked for identification.)

that would be machining particles. It would require transmission to either a waste bin or to a fuel hopper.

Q Okay. Now, the baghouses, they were not -- they didn't, like, burn the material, did they?

A No.

Q They collected material?

A Yes.

Q How high off the ground were the baghouses, these two baghouses?

A The one by the mineral core plant was almost at ground level, and the one by the core mill was elevated to facilitate backing a hopper truck under it, as I recall.

Q Were these hopper trucks, is that what -- where they would then take it and dump it, for example, at the two sites, Spencer and Cleveland, that you've identified?

A Yes.

Q How would the material get into the hopper?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A That's the -- the performance of the baghouse with a vacuum system. The material would be brought to

BY MR. CASCINO:

Q At some point in time, they installed -- they installed what is called baghouses; is that correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Yes.

BY MR. CASCINO:

Q Okay. When, if you know, did they install these baghouses?

A I believe they were installed in the mid-'60s.

Q How many --

A Mid to late '60s.

Q All right. Mid to late '60s?

A Yeah.

Q I'm sorry if I cut you off.

And how many of these did they install, these baghouses?

A To my knowledge, two.

Q Okay. And what is the purpose of a baghouse?

A The baghouse is to collect -- probably used for more than one thing, but in our case, it was used to collect dust that would come from either an abrasive planer or a polisher or sander or a tool

the -- to the baghouse and then dropped out of the bottom of the baghouse into this -- into a hopper that then was high enough off the ground, it could be dropped into a truck.

BY MR. CASCINO:

Q The bottom of the -- the bottom opened so a truck could get back into it?

A Yes.

Q And it was not enclosed; is that correct?

A Well, it was outside. It didn't need to be enclosed.

Q Okay. So the asbestos waste material would then be dropped from, what, the second floor into the truck?

A No, it would come in there with a vacuum pipe into the baghouse.

Q Okay.

A And then the hopper truck would back under it, and it was doors on that, and it was totally enclosed, the hopper was, on the truck, and the dust would drop into that.

Q So the truck, did it have a roof on it?

A Sure.

Q And was that canvas?

A No. It was -- as I recall, for the dust part of

1 it, was -- it was metal.
 2 Q Okay. And -- and how would it get into -- if it's
 3 got a cover on it, how would it get into the
 4 truck?
 5 A **There was a gate valve on that hopper, and they**
 6 **just dropped it into that.**
 7 Q Okay. And so the gate would open up. How far
 8 above the hopper -- the truck would that gate be?
 9 A **Well, as I recall, there was a flexible hose that**
 10 **would let it get down into the truck. So back the**
 11 **truck into it, and this hose would fit down into**
 12 **the truck.**
 13 Q Who designed the -- the baghouse system for
 14 Weyerhaeuser's plant in Marshfield?
 15 A **Well, at that time frame that you're talking**
 16 **about, I believe they were called -- they were**
 17 **commercially made, that it was Reese, R-e-e-s-e,**
 18 **as I recall.**
 19 Q Okay. And did Reese come into -- did they -- who
 20 came up with the engineering drawings?
 21 A **The engineering department, I would assume.**
 22 Q In Weyerhaeuser?
 23 A **I don't know how that came about, how the**
 24 **determination was made as to what to put in there,**
 25 **to tell you the truth.**

1 Q Okay. Was that something that people from
 2 Weyerhaeuser's plant in Washington worked with the
 3 people that supplied the baghouse if you know?
 4 A **I don't know.**
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 A **I don't know.**
 9 BY MR. CASCINO:
 10 Q How often did the baghouse system fail, to your
 11 knowledge?
 12 MR. METCALF: Object to the form of the
 13 question.
 14 BY THE WITNESS:
 15 A **I don't know. I don't think we kept records on**
 16 **how many times it failed.**
 17 **When you say "failed," what do you**
 18 **mean by "failed"?**
 19 BY MR. CASCINO:
 20 Q That it didn't work.
 21 A **Well, they always worked.**
 22 Q Okay. Where it did not -- it did not function
 23 with a hundred percent efficiency.
 24 A **I can't answer how often.**
 25 Q Was it once a month?

1 A **I -- I --**
 2 Q That's okay.
 3 A **I would imagine maybe once a month.**
 4 Q All right. And would workers have to go out there
 5 and fix it?
 6 A **Yes.**
 7 Q And how would they go about fixing it?
 8 A **Well, as I recall, the baghouses had sections in**
 9 **them, and they would -- they would still operate**
 10 **by shutting down one or two sections, and they**
 11 **could go in there then and change a bag or fix the**
 12 **shaking mechanisms or whatever had to be done to**
 13 **them so you could still continue to operate.**
 14 Q What type of respiratory protection did these
 15 workers have?
 16 A **These were the maintenance people, and I'm not**
 17 **sure exactly what they used.**
 18 Q Did they use paper masks?
 19 A **They had paper masks, yes.**
 20 Q Did they use what's called an airline respirator?
 21 A **I recall they had those available to those folks,**
 22 **yes.**
 23 Q Okay. That was in the later years; is that
 24 correct?
 25 A **It was after my time frame of being involved in**

1 **that, which would have been after 1970, yes.**
 2 Q Okay. And it would be the maintenance employees
 3 who had the responsibility of fixing the baghouse
 4 when it broke down?
 5 A **Yes.**
 6 Q Did any of those folks before 1970 wear
 7 respirators that had cartridges on it when they
 8 went in the baghouse, if you know?
 9 A **I don't know.**
 10 Q Who was responsible for complying with state
 11 regulations concerning asbestos at the facility,
 12 if you know?
 13 A **I don't -- I don't know.**
 14 Q Okay. Who was in charge at the facility with
 15 complying with federal regulations or laws at the
 16 facility?
 17 MR. METCALF: Object to the form of the
 18 question.
 19 BY THE WITNESS:
 20 A **I don't know who was responsible for that.**
 21 BY MR. CASCINO:
 22 Q Okay. Was the people in corporate in
 23 Washington -- were they responsible for that, if
 24 you know, or you just simply don't know?
 25 A **I don't.**

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Q Were you there whenever the insurance company -- when an insurance company came by to inspect the premises?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Not that I recall.

BY MR. CASCINO:

Q Who determined how long the samples would be done of asbestos in a particular area of the plant? Was that Joe Wendlick's work?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A I'm not sure.

BY MR. CASCINO:

Q This vacuum system in the plant that wound up materials going into the baghouse, what departments had this ventilation system?

A Each one of the baghouses had its own blower, if you will, to generate the vacuum, and the pipes ran throughout the mill to the -- to the various work centers.

Q Okay. And what -- what buildings or departments was it that, let's say, before 1966, that these

system would be under -- near the tooling or if the tooling was on top, it could be on the top.

BY MR. CASCINO:

Q Okay. Do you recall there being dust sometimes on the floor that would require the workers to clean up even with the --

MR. METCALF: Object to the --

BY MR. CASCINO:

Q -- vacuum system?

THE COURT REPORTER: Can you say the question over again, please?

MR. CASCINO: Let me think of it.

THE COURT REPORTER: Do you recall if there were vacuum systems --

BY MR. CASCINO:

Q Oh. Do you recall even with the -- the hose line, the vacuum hose line, that there would be materials that would not be collected and would fall to the floor in various departments?

A Yes.

Q And then the workers would be responsible at the end of their shift for cleaning up; is that correct?

A Yes.

Q And what tools did they use to clean up?

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blowers -- that these hose lines were connected to?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Which department?

BY MR. CASCINO:

Q Yes, sir.

A Almost every department had a machine of some type that generated waste or dust; and therefore, there was a vacuum system coming to all those work centers.

Q Okay. Was the vacuum system -- was that above where the worker would be working?

A Sure.

Q And when the worker would be doing his job, he would be below the vacuum system?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Well, I thought that you meant if the pipes went above them, yes, they did.

Of course, there were drop lines that came down to the work centers; and depending on the machine, it could have been -- the vacuum

A Which departments are we talking about?

Q Well, let's say the department that sawed holes in the doors -- holes for windows in the doors or drilled for locks in the doors?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A In the case of where -- if there was asbestos-containing products and so on, they were instructed to use the vacuum to -- to pick up all of the materials. If there was dust particles, that could be swept into a hopper or into something that -- to pick up the dust.

BY MR. CASCINO:

Q What were they swept by?

A Well, just with a broom or a squeegee.

Q Would the same be true for the sanding department?

A Yes.

Q And so the sanding department, after they were done with their shift, would use shovels and brooms; is that correct?

MR. METCALF: Object to the form of the question.

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1 BY THE WITNESS:
 2 A Well.
 3 BY MR. CASCINO:
 4 Q Go ahead.
 5 A **There wasn't that much dust that you would use a**
 6 **shovel or anything. It was very minimal.**
 7 Q It was visible, though?
 8 A **It was minimal.**
 9 Q It was visible?
 10 A **It was visible.**
 11 Q And it was visible in the sanding department, is
 12 that correct, at the end of the shift?
 13 MR. METCALF: Object to the form of the
 14 question.
 15 BY THE WITNESS:
 16 A **I presume so, yes.**
 17 BY MR. CASCINO:
 18 Q And it was -- it was visible in the -- strike
 19 that.
 20 There was a department that -- it
 21 was explained to us where they took the door core
 22 material, and they used an electric process, and
 23 they'd do the one side, then they'd do the other
 24 side. Does that make any sense?
 25 A **Was this a so-called electronic?**

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1 Q Yes.
 2 A **Electronic was used for bonding stiles and rails**
 3 **to the edge of a core.**
 4 Q Okay. And where was that work done at?
 5 A **That was done in the core mill.**
 6 Q Okay. And would that, even with the vacuum
 7 system, generate some visible dust on the ground?
 8 A **No. The electronics would not.**
 9 Q Well, the moving of the doors, in your opinion,
 10 would not?
 11 A **No.**
 12 Q Do you recall them having to clean up, like Rita
 13 Treutel -- I'm sorry -- her daughter had to clean
 14 up at the end of the day, she said, with a broom?
 15 MR. METCALF: Object to the form of the
 16 question.
 17 BY THE WITNESS:
 18 A **There could have been materials to be picked up**
 19 **that were -- were or were not asbestos-type**
 20 **materials. They did various things at those**
 21 **electronics.**
 22 **I guess I'm not sure what she's**
 23 **referring to at that point. There was no**
 24 **machining done at that point. It was just**
 25 **assembly with solid core material and stiles and**

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1 **rails.**
 2 MR. CASCINO: I've always wanted to say
 3 this; I never have. Move to strike the last
 4 portion as being nonresponsive. I think that's --
 5 that's like once a year.
 6 BY MR. CASCINO:
 7 Q Other than the trucks removing the dust materials
 8 from the baghouse, were any other types of
 9 equipment used to collect the dust from the
 10 baghouses?
 11 A **No.**
 12 MR. CASCINO: Let's take a five-minute
 13 break.
 14 MR. METCALF: Okay.
 15 THE VIDEOGRAPHER: Going off the record;
 16 end of DVD No. 2. The time is 3:33.
 17 (Recess taken from 3:33 p.m. until
 18 3:46 p.m.)
 19 THE VIDEOGRAPHER: We are back on the
 20 record with DVD No. 3; the time is 3:46.
 21 BY MR. CASCINO:
 22 Q How was asbestos delivered to the plant? Was
 23 it --
 24 A **In railcars.**
 25 Q Was any of it in trucks, as well?

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1 A **Not to my knowledge.**
 2 Q And how was it moved from the railroad cars to
 3 the -- into the plant?
 4 A **As I recall, the -- both the amosite and**
 5 **chrysotile came in cars, and they were dead**
 6 **stacked in the cars, and the warehouse people**
 7 **would take empty pallets out there and pile down**
 8 **the -- the pallets -- or the bags onto these**
 9 **pallets and then take 'em and stack 'em up in that**
 10 **same warehouse that I indicated the -- the**
 11 **finished mineral core was stored in.**
 12 Q Okay. And occasionally those bags would break; is
 13 that correct?
 14 A **Yes.**
 15 Q And how would they go about cleaning up after they
 16 had broke?
 17 A **Well, the -- it was put back into a plastic bag or**
 18 **a paper bag in some cases and brought into the**
 19 **mixing room and mixed with -- with the rest of the**
 20 **asbestos.**
 21 Q Okay. Would they pour it into the new bag? Or
 22 how would they get it into the new bag?
 23 A **I think it was scooped up with a scoop shovel and**
 24 **put in.**
 25 Q And there would have been broken bags in any of

1 the departments that it would have been in on some
 2 occasion?
 3 **A It never went to any other department other than**
 4 **mineral core.**
 5 Q Okay. Mineral core. Okay.
 6 And these are literally the bags of
 7 the two types of asbestos, right?
 8 **A The amosite -- the amosite came in in gunny bags,**
 9 **burlap bags, if you will.**
 10 Q Okay.
 11 **A The chrysotile came in in a heavy craft bag that**
 12 **was encapsulated with -- with plastic. It was a**
 13 **very sturdy bag that rarely broke.**
 14 Q When was the first time you heard the term
 15 "Kaylo"?
 16 **A I believe when I became an assistant foreman in**
 17 **the glue room.**
 18 Q And that was roughly when, again?
 19 **A About 1965, as I recall, '65 or '66.**
 20 Q And you had not heard the term "Kaylo" before 1965
 21 to 1966 --
 22 **A Not that I recall.**
 23 Q -- is your testimony?
 24 **A Not that I can recall.**
 25 Q Okay. During the period of the 1970s, did people

1 Q Correct.
 2 **A And we're talking about the mineral core floor.**
 3 Q Okay. And that was somewhere you'd regularly
 4 visit during your job in the '70s?
 5 **A I had an office in the mineral core plant.**
 6 Q Would you wear your mask in the office?
 7 **A No.**
 8 Q Would you wear your mask when you'd be on the
 9 floor?
 10 **A Yes.**
 11 Q Do you remember a mask by the name of Wilson?
 12 MR. METCALF: Object to the form of the
 13 question.
 14 BY THE WITNESS:
 15 **A No, no. I do not.**
 16 **BY MR. CASCINO:**
 17 Q Do you remember a guy -- gentleman by the name of
 18 Molehouse, Mole -- Mossfeld?
 19 **A Mossfeld.**
 20 Q Mossfeld.
 21 **A Yes.**
 22 Q Did he work for you?
 23 **A Yes.**
 24 Q And what did he do for you? Where did he work?
 25 **A In the finishing department.**

1 have access to paper masks?
 2 MR. METCALF: Object to the form of the
 3 question.
 4 BY THE WITNESS:
 5 **A Yes.**
 6 **BY MR. CASCINO:**
 7 Q And the paper masks, do you remember, as we sit
 8 here right now, the brand names of those paper
 9 masks?
 10 **A I only remember one name, and that happened to**
 11 **be -- 3M is the one that comes to mind.**
 12 Q And can you describe the 3M paper masks? What
 13 color were they?
 14 **A They were white.**
 15 Q And do you know if they had one or two straps on
 16 them?
 17 **A I believe they had two.**
 18 Q Did they have a number on them?
 19 **A I don't recall.**
 20 Q Did you wear one of those?
 21 **A Yes.**
 22 Q When would you wear one of those?
 23 **A Any time I was on the floor.**
 24 Q And before which process?
 25 **A Well, you're talking post-'70, right?**

1 Q And what did he do in the finishing department?
 2 **A Various jobs.**
 3 Q Did he work more than in the finishing department,
 4 in other areas?
 5 **A He may have.**
 6 Q Did he work in the door core plant?
 7 **A He may have. I don't know.**
 8 Q What kind of worker was he?
 9 **A Dick's a good worker. He's still there.**
 10 Q When was the first time you found out someone had
 11 been diagnosed with mesothelioma?
 12 MR. METCALF: Object to the form of the
 13 question.
 14 BY THE WITNESS:
 15 **A I don't recall.**
 16 **BY MR. CASCINO:**
 17 Q Quite a few people that worked at the plant have
 18 died from mesothelioma; is that correct?
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY THE WITNESS:
 22 **A I -- I don't know. I don't think so.**
 23 **BY MR. CASCINO:**
 24 Q Do you remember Larry Rogers?
 25 **A Yes.**

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1 Q And were you aware that Larry Rogers passed away
2 from mesothelioma?
3 MR. METCALF: Object to the form of the
4 question.
5 BY THE WITNESS:
6 A **I knew he passed away, but he didn't know**
7 **specifically that it was mesothelioma.**
8 **BY MR. CASCINO:**
9 Q Okay. Rita Treutel, do you remember her?
10 A **Yes.**
11 Q Are you aware she passed away due to mesothelioma?
12 MR. METCALF: Object to the form of the
13 question.
14 BY THE WITNESS:
15 A **That's what I was told, but I did not know that**
16 **before that.**
17 **BY MR. CASCINO:**
18 Q Okay. Well, were you told that anybody -- when
19 were you first told by someone that someone had
20 passed away from mesothelioma?
21 MR. METCALF: Object to the form of the
22 question.
23 BY THE WITNESS:
24 A **As I recall, Rita might have been the first one**
25 **that I was told.**

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1 **BY MR. CASCINO:**
2 Q And when were you told concerning Rita?
3 A **A couple of months after she passed away.**
4 Q How about Roger Seehafer?
5 A **Seehafer?**
6 Q Yes.
7 MR. METCALF: Object to the form of the
8 question.
9 BY MR. CASCINO:
10 Q Are you aware that he has mesothelioma?
11 MR. METCALF: Object to the form of the
12 question.
13 BY THE WITNESS:
14 A **No, I didn't know he had that specifically, no.**
15 **BY MR. CASCINO:**
16 Q Okay. Are you aware that Dick Mossfeld has
17 mesothelioma?
18 MR. METCALF: Object to the form of the
19 question.
20 BY THE WITNESS:
21 A **No. I'm surprised.**
22 **BY MR. CASCINO:**
23 Q Have I mentioned anybody -- is there anybody other
24 than who I mentioned that you're aware of passed
25 away from mesothelioma?

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1 MR. METCALF: Object to the form of the
2 question. Are you asking from the plant?
3 BY THE WITNESS:
4 A **No. I just can't recall right now.**
5 **BY MR. CASCINO:**
6 Q Did you become aware that mesothelioma was a
7 disease caused by asbestos in the period of, say,
8 2000 plus?
9 MR. METCALF: Object to the form of the
10 question.
11 BY THE WITNESS:
12 A **Would you repeat the question, please?**
13 **BY MR. CASCINO:**
14 Q Sure. When did you first become aware that there
15 was a disease called mesothelioma that was caused
16 by asbestos?
17 MR. METCALF: Same objection.
18 BY THE WITNESS:
19 A **I -- I guess I knew that prior to 2000. I'm not**
20 **sure when.**
21 **BY MR. CASCINO:**
22 Q When did you become aware that anybody who worked
23 at the plant here in Marshfield had gotten
24 mesothelioma?
25 A **I believe it was Rita Treutel, but I'm just not**

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1 **sure.**
2 Q Prior to the year 2000, had you heard the term
3 "mesothelioma"?
4 A **Yes.**
5 Q And when did you first hear the term
6 "mesothelioma"?
7 A **I can't recall exactly when.**
8 Q Was it in the 1960s or 1970s or 1980s?
9 A **I would say 1970s.**
10 Q Let's change gears here.
11 When a new building is built around
12 1965 or 1966, did people from Weyerhaeuser work on
13 the formulas? And when I say "Weyerhaeuser," I
14 mean the corporate plant.
15 MR. METCALF: Object to the form of the
16 question.
17 BY THE WITNESS:
18 A **I believe so.**
19 **BY MR. CASCINO:**
20 Q And did they come here to Marshfield to work on
21 the formulas?
22 MR. METCALF: Object to the form of the
23 question.
24 BY THE WITNESS:
25 A **At one point in time they did, yes.**

1 **BY MR. CASCINO:**

2 Q Okay. Is that right after they built that new
3 building?

4 A **I'm not sure when.**

5 Q When they built the new building, that was the
6 first time they had the autoclave process, right?

7 A **Yes.**

8 Q Can you explain that process to us?

9 A **Well, an autoclave is a high-pressure steam**
10 **vessel, and it comes in various forms. It can be**
11 **upright; it can be a horizontal.**

12 **It -- very similar to a pressure**
13 **cooker, whereby there's an entrance, and you put**
14 **materials in it, and you close the door on it, and**
15 **it's locked very tight because it -- you inject**
16 **steam -- not in all cases, steam; it can actually**
17 **be used as a water vessel, also, to inject high**
18 **pressure.**

19 **And in our case, we used it with**
20 **high pressure steam to create high temperature and**
21 **pressure to convert the calcium silicate hydrate**
22 **to -- to a solid material; and the pressure goes**
23 **up very slowly, and it depressurizes very slowly,**
24 **and you open the door and take the material out**
25 **and process it from there.**

1 **BY MR. CASCINO:**

2 Q When did you first become aware that asbestos
3 could cause lung cancer?

4 A **Early '70s.**

5 Q What did -- what do you recall Frank Zickert
6 doing?

7 A **Initially, he was -- when I first met him, he was**
8 **a worker on the floor.**

9 Q And what floor is that?

10 A **On mineral core, mineral core department.**

11 Q And what floor?

12 A **There is -- was only one floor to the mineral core**
13 **plant.**

14 Q Oh, that's the --

15 A **The new plant.**

16 Q The building that was built around 1965, '66?

17 A **Yes. I didn't meet Frank until sometime after**
18 **1970.**

19 Q Do you know what his jobs were in the mineral core
20 department?

21 A **He did various jobs as a worker on the floor and**
22 **subsequently became a supervisor.**

23 Q And he was a supervisor in what department?

24 A **In the mineral core plant.**

25 Q Would he have worked near or close-by the

1 Q It's sort of like baking a cake?

2 A **Yes, although much higher temperatures, and I**
3 **don't think you use pressure to make a cake,**
4 **but . . .**

5 Q You're right; hope not at least.

6 Were there pipelines that -- steam
7 pipelines that went to the -- to that building?

8 A **Yes.**

9 Q And I presume those were generated by the boiler
10 system in the boiler building, the heat?

11 A **We had steam coming from two locations.**

12 Q Okay.

13 A **One from the -- from the boiler room and from a**
14 **gas-fired boiler, also.**

15 Q Are you familiar with a gentleman by the name of
16 Frank Zickert?

17 A **Yes.**

18 Q And how are you familiar with Frank?

19 A **Frank worked for me in the mineral core plant.**

20 Q Do you realize Frank died of lung cancer?

21 MR. METCALF: Object to the form of the
22 question.

23 **BY THE WITNESS:**

24 A **No, I was not aware of that.**
25

1 autoclaves?

2 A **Yes.**

3 Q How would the asbestos get into the autoclave?
4 MR. METCALF: Object to the form of the
5 question.

6 **BY THE WITNESS:**

7 A **The asbestos was mixed into a slurry with the**
8 **other ingredients to make mineral core, and that**
9 **slurry was poured into forms or molds and stacked**
10 **on carts that would be like a train, seven carts**
11 **per autoclave load was pulled into the autoclave.**

12 **BY MR. CASCINO:**

13 Q When the asbestos -- the chrysotile asbestos from
14 these plastic bags, how would that get into the
15 machine?

16 MR. METCALF: Object to the form of the
17 question.

18 **BY THE WITNESS:**

19 A **There's a batch control room that the chrysotile**
20 **was brought into, and it was metered into the**
21 **batch per the -- the prescribed amount.**

22 **BY MR. CASCINO:**

23 Q Okay. Was it poured in?

24 A **It was poured into a hopper to be weighed because**
25 **it had to be a specific amount, and then that was**

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1 **run through a refiner that took it to a baghouse**
 2 **above the mixers that dropped the material into**
 3 **the mixers.**
 4 Q Okay. So what would it be dumped into before it
 5 being weighed?
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 **A It would be dumped from the bag into a weigh**
 10 **hopper.**
 11 **BY MR. CASCINO:**
 12 Q How would the bag -- would someone lift the bag up
 13 and physically pour it into a weigh hopper?
 14 **A Yes.**
 15 Q Would they cut open the bag to do that?
 16 **A Yes.**
 17 Q How far was their face from the bag when they
 18 would be cutting open the bag?
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY THE WITNESS:
 22 **A Depending on how tall the person is, I suppose**
 23 **from a foot and a half to two feet, three feet at**
 24 **most.**
 25

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1 **A Probably only 98 percent.**
 2 Q And the rest would fall on the floor, correct?
 3 MR. METCALF: Object to the form of the
 4 question.
 5 BY THE WITNESS:
 6 **A Very possibly.**
 7 **BY MR. CASCINO:**
 8 Q And you could visibly see that on the floor; is
 9 that correct?
 10 **A Yes.**
 11 MR. METCALF: Object to the form of the
 12 question.
 13 BY MR. CASCINO:
 14 Q And at the end of the -- I'm sorry.
 15 MR. METCALF: Object to the form of the
 16 question.
 17 BY MR. CASCINO:
 18 Q And at the end of the shift, they would clean that
 19 up with brooms?
 20 MR. METCALF: Again, object to the form
 21 of the question.
 22 BY THE WITNESS:
 23 **A No.**
 24 **BY MR. CASCINO:**
 25 Q Vacuums?

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1 BY MR. CASCINO:
 2 Q Well, their arms aren't three feet long, are they?
 3 **A Mine are 33 inches, and I'm a small man.**
 4 Q Okay. That's not three feet.
 5 **A No, but a six-foot man has probably got a 36-inch**
 6 **arm length.**
 7 Q Okay. And the person would physically lift the
 8 bag after they cut open -- cut it open?
 9 **A You would pick it off the pallet, set it on the**
 10 **edge of the weigh station, slice it open, and then**
 11 **dump it into the weigh hopper. That was the**
 12 **process.**
 13 Q Okay. And you'll admit that when you would dump
 14 the bag into the weigh hopper, that there would be
 15 dust in the air?
 16 MR. METCALF: Object to the form of the
 17 question.
 18 BY THE WITNESS:
 19 **A There was -- there was a vacuum shroud that was**
 20 **above the weigh hopper that would keep the debris**
 21 **from getting airborne.**
 22 **BY MR. CASCINO:**
 23 Q Are you saying it would keep all of the debris
 24 from being airborne when you would open up the
 25 bag?

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1 **A Yes.**
 2 Q Airhoses?
 3 **A No airhoses.**
 4 Q There were airhoses in the mineral core?
 5 **A Not on the work floor.**
 6 Q Okay. On the work floor you're saying there were
 7 no airhoses?
 8 **A That's correct.**
 9 Q And there were brooms there if they needed them,
 10 right?
 11 **A No. There were squeegees.**
 12 Q Would the maintenance people have to repair the
 13 steam pipes on various occasions?
 14 MR. METCALF: Object to the form of the
 15 question.
 16 BY THE WITNESS:
 17 **A Yes.**
 18 **BY MR. CASCINO:**
 19 Q And when they would remove -- or when they would
 20 do the work on the steam pipes out of the mineral
 21 core facility, would they be wearing masks?
 22 **A I'm not sure.**
 23 Q There was no requirement for them to wear masks
 24 when they were working on the steam pipes outside
 25 the mineral core plant; is that correct?

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1 MR. METCALF: Object to the form of the
 2 question.
 3 BY THE WITNESS:
 4 A I'm not sure what the rules were within the
 5 maintenance department.
 6 BY MR. CASCINO:
 7 Q When did Weyerhaeuser first start warning
 8 employees that they could get mesothelioma, if you
 9 know?
 10 MR. METCALF: Object to the form of the
 11 question.
 12 BY THE WITNESS:
 13 A I'm not sure when it started.
 14 BY MR. CASCINO:
 15 Q When were the workers first told that they could
 16 get lung cancer --
 17 MR. METCALF: Object to the form of the
 18 question.
 19 BY MR. CASCINO:
 20 Q -- from asbestos?
 21 A I'm not sure.
 22 Q When were the workers first told that they could
 23 get asbestosis from asbestos?
 24 MR. METCALF: Object to the form of the
 25 question.

1 asbestos-related --
 2 A Not to my knowledge.
 3 Q -- disease?
 4 And you go twice a year; is that
 5 right? Did I hear that right?
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 A No.
 10 BY MR. CASCINO:
 11 Q I'm sorry. You go every other year now --
 12 A Yes.
 13 Q -- correct?
 14 A Yes.
 15 Q And that's paid for by you, not by Weyerhaeuser,
 16 correct?
 17 A That's correct.
 18 Q And that's been true since 1986?
 19 A Yes.
 20 Q The formula for making the door core material with
 21 asbestos, we talked about, changed around 1966,
 22 correct?
 23 MR. METCALF: Object to the form of the
 24 question.
 25

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1 BY THE WITNESS:
 2 A I'm not sure when they were first told.
 3 BY MR. CASCINO:
 4 Q Okay. And when were workers first told that
 5 bilateral pleural calcification was related to
 6 asbestos exposures?
 7 MR. METCALF: Object to the form of the
 8 question.
 9 BY THE WITNESS:
 10 A I'm not sure.
 11 BY MR. CASCINO:
 12 Q Were you ever tested via the program for testing
 13 people for whether or not they had asbestos
 14 diseases?
 15 A Yes.
 16 Q And how many years did you have your lungs
 17 x-rayed?
 18 A Well, if I could explain the program --
 19 Q Sure.
 20 A -- I was x-rayed every year from the start of the
 21 OSHA monitoring -- or the asbestos monitoring up
 22 until, I think, 1960 -- or '86, and then it went
 23 to every other year because there was no change in
 24 it.
 25 Q Have you been diagnosed with any form of

1 BY THE WITNESS:
 2 A No.
 3 BY MR. CASCINO:
 4 Q When did it change?
 5 A We didn't -- I guess you need to clarify for me
 6 what do you mean by the formula for making mineral
 7 core? Is that what you're talking about?
 8 Q Yes, sir.
 9 A Weyerhaeuser did not make mineral core prior to
 10 1966 or '68.
 11 Q Okay. And the formulas for making that were
 12 developed by the people from the corporate offices
 13 in Washington, correct?
 14 A Yes.
 15 Q And was there more than one formula that was used
 16 after 1966 --
 17 MR. METCALF: Object to the form of the
 18 question.
 19 BY MR. CASCINO:
 20 Q -- or after the period that the folks from
 21 Weyerhaeuser --
 22 A Not to my knowledge.
 23 Q And it always had amosite in it; is that correct?
 24 MR. METCALF: Object to the form of the
 25 question.

1 BY THE WITNESS:

2 **A Yes, up until 1978.**

3 **BY MR. CASCINO:**

4 Q Okay. And it always had chrysotile until 1978,
5 correct?

6 **A Yes.**

7 MR. METCALF: Object to the form of the
8 question.

9 **BY MR. CASCINO:**

10 Q Now, as I understand it, at some point in time,
11 warning labels were put on the pallets of the
12 doors that would be shipped out of the plant?

13 **A Yes.**

14 Q No warning labels were put on the actual doors,
15 correct?

16 **A Yes -- I'm sorry. Your first question was what?
17 I'm sorry. I thought that's what you said in the
18 first question.**

19 MR. CASCINO: I'm sorry I have to do
20 this to you. Can you repeat my first question and
21 my second question for the gentleman?
22 (Record read as requested.)

23 **BY MR. CASCINO:**

24 Q Is that correct?

25 **A My -- my answer is that there were warning labels**

1 and this is between you and I. This is the first
2 time I've ever had anyone engage me in this way.
3 That's fine. Could you -- but we have to refer to
4 it as something, so it's referred to as Exhibit 3.

5 MR. METCALF: Usually you just ask him
6 to look at it, tell you what it is, has he seen it
7 before --

8 MR. CASCINO: Really?

9 MR. METCALF: -- something like that.

10 MR. CASCINO: I've been doing this a lot
11 of years. That's brand-new to me. First time I
12 ever heard this, but I got to use that other one
13 earlier striking the statement. So I guess we'll
14 put that into that category, Josh. Okay?

15 MR. METCALF: Okay.

16 MR. CASCINO: I gotta insist it's marked
17 as 3.

18 MR. METCALF: Look. I'm not --

19 MR. CASCINO: Whether or not it's in
20 evidence is a whole nother issue. I got to say
21 it's marked, otherwise, I can't -- I mean, we're
22 going nowhere.

23 MR. METCALF: And I don't want to hold
24 us up for the afternoon.

25 MR. CASCINO: Good because I don't

1 **put on each individual door, but not -- not on the
2 pallets, as I recall.**

3 Q Oh, really?

4 **A Yes.**

5 **MR. CASCINO: 3.**

6 MR. METCALF: Before we mark something,
7 we need to make sure the witness knows what it is.
8 I mean --

9 MR. CASCINO: Yeah, that's good. Well,
10 I don't think so, Counsel. I never actually heard
11 that rule.

12 MR. METCALF: I mean, I -- if you want
13 to mark it for identification and ask him some
14 questions --

15 MR. CASCINO: Are you objecting to me
16 marking that as an exhibit, sir?

17 MR. METCALF: At this point, yes.

18 MR. CASCINO: What's your basis?

19 MR. METCALF: There is no basis for it
20 yet. He hasn't said, "I recognize this document,
21 I know anything about it."

22 I -- at the end of the day, I'm
23 probably not going to have any objection to you
24 marking this as an exhibit. I'm just --

25 MR. CASCINO: That's the first time --

1 either.

2 MR. METCALF: That's fine.

3 MR. CASCINO: All right. Could you mark
4 that as Exhibit 3, please?

5 (Exhibit No. 3 was marked for
6 identification.)

7 **BY MR. CASCINO:**

8 Q Could I have this, please? We're going to kind of
9 exchange this back and forth. Okay?

10 First, sir, this document bears
11 your name on it; is that correct?

12 **A That's correct.**

13 MR. METCALF: Could we identify the
14 document for the record first? I mean, what is
15 it?

16 MR. CASCINO: I thought you didn't want
17 to identify it first, but I'll tell you, let me
18 work through it, Counsel, and if you think you're
19 being prejudiced, holler, I'll be glad to stop and
20 let you make your objection. How does that sound?

21 MR. METCALF: I'm honestly just trying
22 to keep the record clear. I was thinking along
23 the lines of what the document says, what the date
24 is --

25 MR. CASCINO: We'll get there.

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1 MR. METCALF: -- something like that.
 2 MR. CASCINO: We'll get there. Okay.
 3 BY MR. CASCINO:
 4 Q This document bears your name as someone who's
 5 copied on it; is that correct?
 6 A **I'm not copied. It's sent to me.**
 7 Q Sent to you. Okay. And what is the date of this
 8 document?
 9 A **February 19th, 1973.**
 10 Q And is there anything about this document that
 11 would lead you to believe that it was not a
 12 Weyerhaeuser Company document?
 13 MR. METCALF: Object to the form of the
 14 question.
 15 BY THE WITNESS:
 16 A **None whatsoever.**
 17 BY MR. CASCINO:
 18 Q Okay. And do you remember receiving this
 19 particular document?
 20 A **I received a lot of documents. I don't remember**
 21 **this specifically, but obviously I did receive it.**
 22 Q Pardon?
 23 A **I did receive it.**
 24 Q Okay. And, sir, would you be kind enough to read
 25 to us the first paragraph of the document entitled

1 **folks that would use it to make another product.**
 2 **We called them secondary manufacturers, and**
 3 **that's -- this would not be hardware stores or**
 4 **anything of that nature.**
 5 MR. METCALF: Before we go on, I just
 6 want to state my objection that this has
 7 highlighting on there and a word "now" written.
 8 That's obviously added at a much later date.
 9 MR. CASCINO: It was added last night.
 10 I guess I got excited when I saw it.
 11 MR. METCALF: All right.
 12 BY THE WITNESS:
 13 A **But to clarify, that is not --**
 14 **BY MR. CASCINO:**
 15 Q There's no question pending.
 16 A **That is not a contradiction to what I said.**
 17 Q Okay. Do you have any documents to show, sir,
 18 that there was a warning label put on individual
 19 doors?
 20 A **Do I have documents to see that?**
 21 Q Yes.
 22 A **I don't have any documents related to the**
 23 **manufacturing process within the plant. Those**
 24 **records were all left out there.**
 25 Q Okay. Were those records ever collected by the

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1 "Warning Stamp on Mineral Core"? I read that
 2 correctly; is that right?
 3 A **Sure.**
 4 Q Can you read that first paragraph for us, please?
 5 A **Sure. "OSHA regulations stipulate that the**
 6 **attached warning must be affixed to products sold**
 7 **which contain asbestos. It has been determined**
 8 **that the warning should appear on the top and two**
 9 **sides of each pallet of mineral core we ship to**
 10 **third-party customers."**
 11 Q Okay. That doesn't say anything about individual
 12 doors, does it?
 13 A **That's correct.**
 14 Q Okay. And obviously, when a pallet would be
 15 delivered to, like a -- the pallets were intended
 16 to be delivered to someone like a hardware store,
 17 correct?
 18 MR. METCALF: Object --
 19 BY THE WITNESS:
 20 A **No.**
 21 MR. METCALF: -- to the form of the
 22 question.
 23 BY MR. CASCINO:
 24 Q Who were -- who were the pallets delivered to?
 25 A **When we call it third-party sales, these are other**

1 folks in corporate at Washington?
 2 A **Not to my knowledge.**
 3 MR. METCALF: Object to the form of the
 4 question.
 5 BY MR. CASCINO:
 6 Q Are you aware of any records that were taken by
 7 the folks in Washington?
 8 A **Not to my knowledge.**
 9 Q Are you aware that the medical records may have
 10 been taken by the folks in Washington?
 11 A **Not to my knowledge.**
 12 Q Are you aware that four lawyers showed up,
 13 according to Lois Brundidge, from the corporate
 14 offices in Washington and took all the medical
 15 records?
 16 MR. METCALF: Object to the form of the
 17 question.
 18 BY THE WITNESS:
 19 A **Not to my knowledge.**
 20 BY MR. CASCINO:
 21 Q Are you aware that Weyerhaeuser was concerned that
 22 asbestos was being blown out of the plant area
 23 into the various neighborhoods?
 24 MR. METCALF: Object to the form of the
 25 question.

1 BY THE WITNESS:
 2 **A Not to my knowledge.**
 3 **BY MR. CASCINO:**
 4 Q You're not aware that Weyerhaeuser, in documents,
 5 spoke about people in the community complaining
 6 about dust?
 7 **A Yes.**
 8 Q You are aware of that?
 9 **A Yes.**
 10 Q And do you recall citizens of the neighborhood
 11 complaining about the dust that emanated from the
 12 plant?
 13 **A Which plant?**
 14 Q The Marshfield plant.
 15 **A Well, to clarify, you have to tell me which plant**
 16 **because we -- we had at least three, if not four**
 17 **plants.**
 18 Q Okay. The plant that used asbestos.
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY THE WITNESS:
 22 **A I'm not aware of that specifically, no.**
 23 **BY MR. CASCINO:**
 24 Q Are you aware that the city council became
 25 concerned that asbestos was coming from the plant

1 Q -- for asbestos?
 2 **A No.**
 3 Q You're not familiar that they did monitoring for
 4 asbestos outside the plant?
 5 **A To my knowledge, they monitored for debris, but**
 6 **not specifically asbestos.**
 7 Q Do you recall them monitoring any of the landfills
 8 for asbestos?
 9 **A No.**
 10 Q Do you recall them monitoring downwind from any of
 11 the landfills?
 12 **A Not specifically, no.**
 13 Q Do you remember them monitoring at the local high
 14 school?
 15 **A No.**
 16 Q When did the cyclone blow up?
 17 MR. METCALF: Object to the form of the
 18 question.
 19 BY THE WITNESS:
 20 **A I'm not familiar with any cyclone blowing up.**
 21 **BY MR. CASCINO:**
 22 Q For all the years you were there, were there
 23 complaints by people in the neighborhood about
 24 asbestos -- strike that -- about dust -- let me
 25 start over.

1 to folks outside the plant?
 2 MR. METCALF: Object to the form of the
 3 question.
 4 BY THE WITNESS:
 5 **A No.**
 6 **BY MR. CASCINO:**
 7 Q Are you -- was there a creamery that made cheese
 8 anywhere close to the plant?
 9 **A Yes.**
 10 Q And where was that creamery? On what side of the
 11 plant?
 12 **A It would be on the east side, east of the railroad**
 13 **tracks that -- well, east of the particle board.**
 14 **There was another railroad track that came in here**
 15 **and was on the east side of that (indicating).**
 16 Q Are you aware that folks at the creamery
 17 complained about asbestos --
 18 MR. METCALF: Object to the form of the
 19 question.
 20 BY MR. CASCINO:
 21 Q -- being in the plant?
 22 **A No.**
 23 Q Are you aware that Weyerhaeuser did occasional
 24 monitoring outside the plant --
 25 **A Yes.**

1 At any time that you were at
 2 Weyerhaeuser working in Marshfield, were you aware
 3 that people in the community complained about dust
 4 emanating from the facility?
 5 **A Yes.**
 6 Q And corporate in Washington, they were made aware
 7 of that; is that correct?
 8 MR. METCALF: Object to the form of the
 9 question.
 10 BY THE WITNESS:
 11 **A Yes.**
 12 **BY MR. CASCINO:**
 13 Q Was anybody from any insurance companies involved
 14 in the concern about asbestos going into the
 15 community?
 16 MR. METCALF: Object to the form of the
 17 question.
 18 BY THE WITNESS:
 19 **A I'm not sure.**
 20 **BY MR. CASCINO:**
 21 Q Was -- do you recall there being a procedure that
 22 was mandated for handling complaints from people
 23 in the neighborhood about dust emanating from the
 24 facility?
 25 **A I'm not familiar with it.**

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1 Q Are you aware of a Mrs. Brant who sent a bill to
 2 Weyerhaeuser for the damage done to her crops by
 3 Weyerhaeuser's pollution?
 4 A **No.**
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 A **No, I'm not aware of it.**
 9 BY MR. CASCINO:
 10 Q Are you aware that asbestos was dumped in the
 11 Weber farm -- at the Weber farm?
 12 MR. METCALF: Object to the form of the
 13 question.
 14 BY THE WITNESS:
 15 A **I'm familiar with the Weber farm, but it's not a**
 16 **landfill. No, I'm not familiar with that.**
 17 BY MR. CASCINO:
 18 Q Okay. And it not being a landfill, it probably
 19 would not be proper for Weyerhaeuser to be dumping
 20 asbestos at the Weber farm; is that correct?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 A **That would be correct, I guess.**
 25

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1 BY MR. CASCINO:
 2 Q Okay. And you're aware that asbestos was dumped
 3 over by where the airport is; is that correct?
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 A **There was a city dump at that location, yes.**
 8 BY MR. CASCINO:
 9 Q Okay. Are you aware that asbestos was dumped
 10 there by Weyerhaeuser?
 11 A **I'm not sure. That was before my time.**
 12 Q Did -- was asbestos something that went into the
 13 cyclone collectors?
 14 A **It wasn't designed to, no.**
 15 Q Okay. Didn't ask if it was designed.
 16 I'm asking if it was used for that
 17 purpose.
 18 A **No.**
 19 Q To your knowledge, correct?
 20 A **To my knowledge, no.**
 21 Q Who is Dick Welch?
 22 A **Dick Welch was the general manager of the door**
 23 **division or door mill.**
 24 Q Is he still alive?
 25 A **No.**

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1 Q Do you recall the State of Wisconsin Department of
 2 Natural Resources being concerned enough to write
 3 a formal notice concerning air pollution at the
 4 Marshfield facility?
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 A **No. I'm not familiar with that.**
 9 BY MR. CASCINO:
 10 Q Are you aware that Joe Wendlick, a senior
 11 research -- he was senior research scientist at
 12 Longview, which is a plant owned by Weyerhaeuser,
 13 were you aware of that?
 14 MR. METCALF: Object to the form of the
 15 question.
 16 BY THE WITNESS:
 17 A **What -- he's what?**
 18 BY MR. CASCINO:
 19 Q He was the senior research scientist at the
 20 Longview plant.
 21 A **I'm not sure what his title was when he was**
 22 **located there.**
 23 Q What years was Joe Wendlick responsible for
 24 activities at the Weyerhaeuser plant in
 25 Marshfield, Wisconsin?

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1 MR. METCALF: Object to the form of the
 2 question.
 3 BY THE WITNESS:
 4 A **To my knowledge, he was here developing the**
 5 **process and then was involved with the**
 6 **administration of the OSHA requirements up until**
 7 **the end of using asbestos, to my knowledge.**
 8 BY MR. CASCINO:
 9 Q Are you aware that the EPA filed papers concerning
 10 compliance with airborne asbestos emissions
 11 outside the plant?
 12 MR. METCALF: Object to the form of the
 13 question.
 14 BY THE WITNESS:
 15 A **No.**
 16 BY MR. CASCINO:
 17 Q Are you aware that the U.S. Environmental
 18 Protection Agency complained that Marshfield was
 19 an asbestos source and that they needed to comply
 20 with the air cleaning standards?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 A **No. I'm not familiar with that.**
 25

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1 BY MR. CASCINO:
 2 Q Are you aware that the EPA was concerned because
 3 there were visible emissions of asbestos as
 4 opposed to nonvisible emission standards?
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 A **No, I'm not familiar with that.**
 9 BY MR. CASCINO:
 10 Q Now, the slurry for -- that was used for the door
 11 core material to be sent to the baghouse, that was
 12 not -- that was not implemented until sometime
 13 after 1973; is that correct?
 14 MR. METCALF: Object to the form of the
 15 question.
 16 BY THE WITNESS:
 17 A **Rephrase that again?**
 18 BY MR. CASCINO:
 19 Q Yeah. At some point in time, there was a water
 20 slurry disposal of the core dust. Do you recall
 21 that?
 22 A **Yes.**
 23 Q That was not until 1973, correct?
 24 A **I'm not sure exactly when, but . . .**
 25 Q Was it in the '70s?

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1 being done, correct?
 2 A **When you say "survey," are you talking about a**
 3 **written survey?**
 4 Q Letting us know that there was asbestos at various
 5 points in the plants.
 6 A **Are you talking about air monitoring?**
 7 Q Correct.
 8 A **Yes. It was done periodically. I don't recall**
 9 **how often, but . . .**
 10 Q Were you ever given the results of those?
 11 A **The only results I was given was to indicate that**
 12 **we were either in compliance or borderline or that**
 13 **we needed to improve.**
 14 Q Was there a baghouse outside the west exit of the
 15 door plant?
 16 A **Yes.**
 17 Q And if I could direct your attention back to
 18 Exhibit No. 2, where would that -- could you point
 19 to us where that was?
 20 A **I presume that to be -- this is west, and that's**
 21 **the west entrance (indicating) to the -- to the**
 22 **core mill, and there was a baghouse located right**
 23 **there.**
 24 Q All right. And so where it says "door mill," it
 25 would be on the west side of -- from your drawing;

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1 A **Yes.**
 2 Q And prior to when that was done, the asbestos
 3 materials would be dry as opposed to wet, correct?
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 A **It was in the form of dust, yes.**
 8 BY MR. CASCINO:
 9 Q Did you ever receive any publication manual from
 10 Joe Wendlick concerning the handling of asbestos
 11 in the Weyerhaeuser system?
 12 A **Yes. There was a pamphlet. I don't recall**
 13 **everything that was in it, but -- Joe put together**
 14 **a standard operating procedure for handling**
 15 **asbestos, but I don't recall everything that was**
 16 **in it.**
 17 Q Now, my understanding -- and correct me if I'm
 18 wrong, but on a quarterly basis, there was a
 19 survey done for -- concerning asbestos at the
 20 plant?
 21 A **I don't remember that.**
 22 Q You don't remember there being quarterly
 23 measurements taken for asbestos; is that correct?
 24 A **You said measurements or survey?**
 25 Q Survey. We'll use that word. There were surveys

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1 is that correct?
 2 A **Yes, yes, right there (indicating). This is**
 3 **south; that's west (indicating).**
 4 Q And when the baghouse becomes -- strike that.
 5 The baghouse would occasionally
 6 become plugged with excess mineral core dust; is
 7 that correct?
 8 MR. METCALF: Object to the form of the
 9 question.
 10 BY THE WITNESS:
 11 A **Yes.**
 12 BY MR. CASCINO:
 13 Q And when that happened, where would the
 14 asbestos -- or the mineral core dust go?
 15 A **Into the waste truck.**
 16 Q Okay. Well, if the waste truck's not there, where
 17 does it go?
 18 A **Then the department would be shut down.**
 19 Q Okay. Are you aware that it would spill out onto
 20 the ground immediately beneath the baghouse
 21 structure?
 22 MR. METCALF: Object to the form of the
 23 question.
 24 BY THE WITNESS:
 25 A **I'm not aware of that specifically, no.**

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1 **BY MR. CASCINO:**
 2 Q Okay. And you don't recall --
 3 A **I don't recall.**
 4 Q -- that?
 5 A **No.**
 6 Q And you don't recall that Weyerhaeuser was
 7 concerned about mineral core dust spills in this
 8 area?
 9 A **I'm sure there was concern if it happened.**
 10 Q Do you recall Weyerhaeuser having hired a
 11 consultant firm of Roy Western concerning the
 12 emissions from the plant?
 13 A **No. I don't recall that.**
 14 Q When Joe Wendlick would do these quarterly audits,
 15 did he physically do them himself or would he have
 16 somebody else do them?
 17 A **He physically did it himself as I recall.**
 18 Q Was that always every year that he did it four
 19 times a year after he decided to do quarterly
 20 audits?
 21 A **I can't say for sure that he did, but it's my**
 22 **recollection we were doing it quarterly.**
 23 Q And he did measurements in the mineral core plant,
 24 correct?
 25 A **Yes.**

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1 **BY MR. CASCINO:**
 2 Q What is the screw conveyor?
 3 A **Well, the bottom of each one of the baghouses that**
 4 **we had at that time had a screw conveyor in it if**
 5 **that's the one you're referring to.**
 6 Q How many truckloads in the mid-1970s of waste
 7 from -- solid waste were being done each week?
 8 MR. METCALF: Object to the form of the
 9 question.
 10 BY THE WITNESS:
 11 A **Are you talking solid waste or dust?**
 12 **BY MR. CASCINO:**
 13 Q Solid waste material.
 14 A **Or dust?**
 15 Q Everything.
 16 A **I'm not sure how many.**
 17 Q Okay. Would it surprise you in 1974 that there
 18 were 193 truckloads of solid waste every week?
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY THE WITNESS:
 22 A **That'd be a total -- 193 trucks every week?**
 23 **BY MR. CASCINO:**
 24 Q Yes.
 25 A **That's not true.**

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1 Q And he also did them in the core mill, correct?
 2 A **Yes.**
 3 Q Now, there was a concern about the cyclones, that
 4 mineral core manufacturing materials would be
 5 blown out of the cyclones; is that correct?
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 A **I -- I -- yes, there was concern occasionally.**
 10 **BY MR. CASCINO:**
 11 Q Was a concrete mixer truck ever implemented at the
 12 facility to cause a slurry of asbestos waste?
 13 A **Not to my knowledge.**
 14 Q So it's your recollection there was no use of a
 15 concrete mixer truck used for purposes of causing
 16 a slurry for the asbestos waste; is that correct?
 17 A **Not that I recall.**
 18 Q And you don't recall that the folks in -- at
 19 Weyerhaeuser in corporate's office recommended
 20 that a concrete mixer be implemented as soon as
 21 possible in 1974?
 22 MR. METCALF: Object to the form of the
 23 question.
 24 BY THE WITNESS:
 25 A **No. Honestly, I -- I don't recall that.**

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1 Q Do you remember who David Martin was?
 2 A **No.**
 3 Q How about Dan Colberg?
 4 A **Colberg?**
 5 Q Yes.
 6 A **No.**
 7 Q I have a document that was produced by
 8 Weyerhaeuser, and it reads, "Weyerhaeuser
 9 generates 193 truckloads of solid waste each
 10 week." Does that surprise you?
 11 MR. METCALF: Object to the form of the
 12 question.
 13 BY THE WITNESS:
 14 A **Totally. Yes, it does.**
 15 **BY MR. CASCINO:**
 16 Q Now, there was one full-time truck driver at all
 17 times, correct, at least one?
 18 A **I'm not sure. They didn't report to me, but . . .**
 19 Q Now, were there problems in the wintertime because
 20 of free-ups -- freeze-ups in the cold weather that
 21 the asbestos could not be wetted when removed from
 22 the facility?
 23 MR. METCALF: Object to the form of the
 24 question.
 25

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1 BY MR. CASCINO:

2 Q Do you recall that?

3 A **I don't recall that, again, because waste haulers**
4 **didn't report to me.**

5 Q Where is the midstate landfill at?

6 A **Well, as I mentioned, I think we stated that the**
7 **landfill in the Town of Cleveland could have been**
8 **called a midstate landfill. I'm not sure.**

9 Q Were you aware that the Wisconsin Department of
10 Natural Resources was complaining in 1975
11 concerning -- that asbestos was dry when being
12 dumped?

13 MR. METCALF: Object to the form of the
14 question.

15 BY THE WITNESS:

16 A **I'm not familiar with that.**

17 BY MR. CASCINO:

18 Q It wasn't your job?

19 A **No.**

20 Q And you were, at your high point, one of the top
21 four people -- yeah -- top four managers, is that
22 correct, of the building --

23 MR. METCALF: Object to the form of the
24 question.
25

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1 Q Well --

2 A **The exhaust system?**

3 Q Yes, the exhaust system that went to the baghouses
4 that occasionally --

5 MR. METCALF: Object to the form of the
6 question.

7 BY THE WITNESS:

8 A **There would be exhaust from the baghouse, not to**
9 **the baghouse, but -- anything mechanically**
10 **converting, I would not be surprised that it**
11 **was.**

12 BY MR. CASCINO:

13 Q Does the name Carter Day mean anything to you?

14 A **I believe we're referring to baghouses.**

15 Q Yes. They were one of the manufacturers of the
16 baghouses; is that correct?

17 A **Yes.**

18 Q Now, at some point in time, did the Wisconsin
19 Department of Resources [sic], to your knowledge,
20 issue a rule to show cause as to why Weyerhaeuser
21 did not submit an application form for
22 transporting hazardous materials to a licensed
23 landfill during 1975 and 1976?

24 MR. METCALF: Object to the form of the
25 question.

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1 BY MR. CASCINO:

2 Q -- of the facility? Excuse me.

3 A **Of that particular business.**

4 Q And that business being?

5 A **In 1975?**

6 Q Yes, sir.

7 A **That would have been the mineral core plant, yes.**

8 Q Were you told about unfavorable ambient air
9 readings in the core plant in 1975?

10 MR. METCALF: Object to the form of the
11 question.

12 BY THE WITNESS:

13 A **No. Core plant was not my -- the core mill. Did**
14 **you --**

15 BY MR. CASCINO:

16 Q Core mill, I meant to say. I'm sorry.

17 A **I did not supervise that area.**

18 Q Who is Dale Schultz?

19 A **I'm not sure if he was a personnel director or if**
20 **he was an engineer.**

21 Q Were you aware that occasionally there'd be leaks
22 in the mineral core exhaust system that would have
23 to be patched and repaired?

24 A **I'm not familiar with exactly what you're talking**
25 **about.**

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1 BY THE WITNESS:

2 A **I'm not familiar with that at all.**

3 BY MR. CASCINO:

4 Q Are you aware the Wisconsin Department of Natural
5 Resources did monitoring of the Weyerhaeuser --
6 outside the Weyerhaeuser property on the southeast
7 corner?

8 A **No, I never heard that.**

9 Q Were there warning signs -- signs in the plant
10 concerning asbestos?

11 MR. METCALF: Object to the form of the
12 question.

13 BY THE WITNESS:

14 A **When you say "plant," which plant?**

15 BY MR. CASCINO:

16 Q The Marshfield -- the Marshfield plant. Were
17 there warning signs concerning asbestos in the
18 plant?

19 A **In the mineral core plant, there were warning**
20 **signs. I don't recall signs in the -- in the door**
21 **plant itself.**

22 Q Other than the mineral core plant, were there
23 warning signs concerning asbestos anywhere posted
24 in the plant?

25 A **Not that I'm aware of.**

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1 Q Do you remember a Sharon Heckel?
 2 A **Yes.**
 3 Q And what department did she work in?
 4 A **She worked in various departments, as I recall.**
 5 Q Okay. Did she work in mineral core?
 6 A **I don't recall her working there.**
 7 Q Are you aware she got lung cancer?
 8 A **No, I'm not.**
 9 MR. METCALF: Object to the form of the
 10 question.
 11 BY MR. CASCINO:
 12 Q Were different departments or jobs labeled by a
 13 number?
 14 A **Sure.**
 15 Q So, for example, there's a -- on this particular
 16 Weyerhaeuser document there's a number 68, and it
 17 says "plywood rip saw operator," that would mean
 18 that that's that job number? I'll show this to
 19 you.
 20 A **Yes. There was a book, a union contract book, and**
 21 **each job had a number to it that -- that you**
 22 **referred to when you were requisitioning for help**
 23 **for a customer or referring to labor grades or**
 24 **whatever.**
 25 Q Sure. That answered something that we were all

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1 A **Well, the asbestos materials were -- in the**
 2 **mineral core plant were received by the -- by the**
 3 **warehouse lift truck driver.**
 4 Q Okay. And who was the warehouse lift truck
 5 drivers -- who are the various warehouse lift
 6 drivers during the period of time you were at the
 7 Marshfield plant?
 8 MR. METCALF: Object to the form of the
 9 question.
 10 BY THE WITNESS:
 11 A **There isn't a name that comes to mind right now.**
 12 BY MR. CASCINO:
 13 Q Fair enough. If you think of someone, would you
 14 let us know?
 15 A **Well, no. I just --**
 16 Q That's fine.
 17 When was the first time you were
 18 aware of any worker compensation claims being
 19 filed against Roddis or Weyerhaeuser?
 20 MR. METCALF: Object to the form of the
 21 question.
 22 BY THE WITNESS:
 23 A **Compensation claims?**
 24 BY MR. CASCINO:
 25 Q Yes, worker comp claims.

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1 confused about several weeks ago in a deposition.
 2 A **Oh, is that right?**
 3 Q When you were at -- working at the Marshfield
 4 plant, who were the employees that were
 5 responsible for purchasing the materials including
 6 asbestos?
 7 MR. METCALF: Object to the form of the
 8 question.
 9 BY THE WITNESS:
 10 A **A purchasing department.**
 11 BY MR. CASCINO:
 12 Q Who, do you know, worked in the purchasing
 13 department?
 14 A **Tom Bloczynski.**
 15 Q Anyone else?
 16 A **Carl Voll.**
 17 Q Voll?
 18 A **Voll, V-o-l-l.**
 19 Q Who else?
 20 A **That's the only two I can recall in that time**
 21 **period.**
 22 Q Okay.
 23 A **Time frame.**
 24 Q What about -- who are the employees that were
 25 responsible for receiving asbestos materials?

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1 A **For what particular cause? I mean --**
 2 Q Related to asbestos-containing materials.
 3 A **I can't recall --**
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 A **I can't recall anyone -- when it was or who it**
 8 **was.**
 9 BY MR. CASCINO:
 10 Q Are you familiar with a gentleman by the name of
 11 Val Prust?
 12 A **Prust?**
 13 Q Prust.
 14 A **Yes.**
 15 Q And do you recall that he worked at the paint shop
 16 at the Weyerhaeuser plant?
 17 A **I don't recall him working there.**
 18 Q Where did you recall him working?
 19 A **I didn't recall him working at all at the plant,**
 20 **but I did know him from outside the plant.**
 21 Q And his wife worked at the plant, as well?
 22 A **Yes.**
 23 Q And was her job -- one of her jobs splicing
 24 veneers?
 25 A **As I recall, she worked in the veneer department,**

1 **but I don't know the exact job that she did.**
 2 Q Did she also, do you recall, work in the hog
 3 department?
 4 A **I don't --**
 5 Q In the basement, the hog?
 6 A **I don't know.**
 7 Q Do you recall that one of the -- you don't recall
 8 Val making -- working there at all, correct?
 9 A **Correct.**
 10 Q What's Miller's Quick Lunch?
 11 A **It was a small facility outside -- just outside**
 12 **the -- where I show the office, it was like over**
 13 **here (indicating) -- it was the other side of the**
 14 **tracks, about here, and folks could go there for a**
 15 **quick lunch or a beer, whatever. That's about all**
 16 **that they served, beer only there.**
 17 Q It was a different era back then. The Old Style
 18 plant said you could have as much beer as you
 19 could drink while you were working.
 20 A **Bless them.**
 21 Q It was the pipefitters that got in trouble, I'm
 22 sure.
 23 Okay. Miller's Quick Lunch was
 24 outside the plant?
 25 A **It was Mueller, actually, M-u-e-l-l-e-r.**

1 Q Okay. And the people would go to lunch there?
 2 A **Occasionally.**
 3 Q Okay. And that would include people that worked
 4 at the core mill; is that correct?
 5 A **I imagine --**
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 A **I could imagine so, yes.**
 10 BY MR. CASCINO:
 11 Q Was there one or two lunch -- I'm sorry. Never
 12 mind.
 13 You remember Sharon Heckel?
 14 A **Yes.**
 15 Q And she worked as a sander helper in the mineral
 16 core department, correct?
 17 A **I don't recall her working there. I'm not denying**
 18 **that she did. I just don't recall her.**
 19 Q Where do you recall her working?
 20 A **Over in the door mill itself, and she handled the**
 21 **surplus door duties.**
 22 **We had a program to sell surplus**
 23 **doors to outside entities and to employees, and**
 24 **she did that and various other tasks, but that's**
 25 **all I remember her doing.**

1 Q What is the patch and putty department?
 2 A **It would be in the core mill.**
 3 Q And what --
 4 A **That's on the first floor on the north end of the**
 5 **door mill (indicating).**
 6 Q And what would someone do that worked in the patch
 7 and putty department?
 8 A **They would inspect each individual core that would**
 9 **come to them which already had the stiles and**
 10 **rails on it, had been run through the cleaner and**
 11 **then it would be ready to go to the glue room,**
 12 **except that they would look for voids within the**
 13 **surface, and then they would patch those with**
 14 **either putty or they would have electric routers**
 15 **that would route it out and put a patch in so that**
 16 **you have a smooth surface to glue to.**
 17 Q That void included asbestos, correct? Strike
 18 that.
 19 What they would fill the voids with
 20 was a putty that contained asbestos, correct?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 A **No. The putty that I recall was normal wood putty**
 25 **that you would use to repair a void in a -- in**

1 **a -- a defect in a wood surface.**
 2 BY MR. CASCINO:
 3 Q Now, that would not meet Under Lab's [sic]
 4 criteria, would it?
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 A **Under what?**
 9 BY MR. CASCINO:
 10 Q What are the -- what is the lab that --
 11 Underwriters Lab. Underwriters Lab would require
 12 these doors to have a certain percentage of
 13 asbestos in them or not?
 14 MR. METCALF: Object to the form of the
 15 question.
 16 BY THE WITNESS:
 17 A **I don't understand the question.**
 18 BY MR. CASCINO:
 19 Q Okay.
 20 A **The patch could be a wood patch or it could be**
 21 **putty, and to my knowledge, it had nothing to do**
 22 **with asbestos or Underwriters.**
 23 Q You don't recall that they would mix asbestos
 24 fibers with the putty?
 25 A **No. Of course, I never supervised that area. I**

1 don't have any knowledge of what they did there
2 other than what I knew their function was.

3 Q Right.

4 MR. CASCINO: Why don't we take a short
5 break.

6 THE VIDEOGRAPHER: Going off the record.
7 The time is 4:54.

8 (Recess taken from 4:54 p.m. until
9 5:01 p.m.)

10 THE VIDEOGRAPHER: We're on the record
11 with DVD No. 4. The time is 5:01.

12 BY MR. CASCINO:

13 Q At what point in time did Weyerhaeuser start
14 working on an asbestos-free material for the fire
15 doors?

16 A In the mid-'70s.

17 Q And what, to your knowledge, did Weyerhaeuser do
18 in terms of trying to find an asbestos-free
19 product?

20 MR. METCALF: Object to the form of the
21 question.

22 BY THE WITNESS:

23 A There were technical people that came from the
24 Longview technical department to Marshfield and
25 tried different ingredients to replace the amosite

1 A It was common knowledge within the plant that they
2 were successful in getting an asbestos-free core
3 approved with the Underwriters and Intertech
4 testing or Warnock Hersey as they were called back
5 then.

6 Q So Underwriters Lab approved it; is that correct?

7 A Well, it had to be fire tested. Underwriters
8 didn't care what you had in it for ingredients as
9 long as it passed.

10 Q Would anyone other than Underwriters have
11 conducted any of the fire tests?

12 A To my knowledge, Warnock Hersey was another fire
13 labeling agency.

14 Q How do I spell that?

15 A That was W-a-r-n-o-c [sic] was one word, and then
16 Hersey was e-r-s-e-y -- H-e-r-s-e-y.

17 Q Okay. Now, that formula contained a substance
18 called Tremolite?

19 MR. METCALF: Object to the form of the
20 question.

21 BY THE WITNESS:

22 A I'm sorry. What is it called?

23 BY MR. CASCINO:

24 Q Are you aware that that formula contained
25 something called Tremolite?

1 and the chrysotile.

2 BY MR. CASCINO:

3 Q And you recall that you think that was around the
4 mid-1970s; is that correct?

5 A Yes, uh-hm-hm.

6 Q How long were these people at the facility in
7 Marshfield?

8 A They would come for a week at a time and came on
9 more than one occasion.

10 Q Okay. And so over the period of the mid-1970s,
11 did they do work all the way through 1978, 1979?

12 MR. METCALF: Object to the form of the
13 question.

14 BY THE WITNESS:

15 A I can only relate to July of 1976 when I left the
16 department, and they were getting close. They
17 were working on it at that point.

18 BY MR. CASCINO:

19 Q Okay. So they were getting close in July of 1976;
20 is that correct?

21 A As I recall, yes.

22 Q And when did they finally make an asbestos-free
23 material for the fire doors?

24 A June 1978, as I recall.

25 Q And what is the basis of your recollection?

1 MR. METCALF: Object to the form of the
2 question.

3 BY THE WITNESS:

4 A No, I'm not familiar with that.

5 BY MR. CASCINO:

6 Q What is your understanding as to what material was
7 used to replace the asbestos, if you know?

8 A Vermiculite and wood pulp.

9 Q And you don't know the source of the vermiculite,
10 do you?

11 A No.

12 Q Do you know whose name was on the vermiculite bags
13 that came into the plant?

14 MR. METCALF: Object to the form of the
15 question.

16 BY THE WITNESS:

17 A As I recall, it didn't come in in bags, it came in
18 in hopper cars.

19 BY MR. CASCINO:

20 Q Okay. And do you recall the name of who supplied
21 it?

22 A As I recall from the requisitions, it was
23 W.R. Grace.

24 THE COURT REPORTER: Grace?

25 THE WITNESS: Grace, G-r-a-c-e.

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1 BY MR. CASCINO:
 2 Q What was the record retention policy at
 3 Weyerhaeuser when you were there?
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 A Which records are you referring to?
 8 BY MR. CASCINO:
 9 Q Okay. Were different records -- let me rephrase
 10 it.
 11 Did different records have a
 12 different retention policy?
 13 A I guess I can't relate to that. We didn't have a
 14 policy for keeping records other than quality
 15 control records.
 16 Q Okay. There'd be quality control records that
 17 were kept?
 18 A Yes.
 19 Q Were any records kept concerning sales of
 20 asbestos?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 A Sales of asbestos?
 25

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1 Q Do you remember a gentleman by the name of Richard
 2 Ackey?
 3 A Yes.
 4 Q And how are you familiar with a gentleman named
 5 Richard Ackey?
 6 A He worked in the door inspection department when I
 7 was manufacturing superintendent.
 8 Q So you were his supervisor?
 9 A He had a direct supervisor, and I supervised his
 10 supervisor.
 11 Q And he was in door inspection, right?
 12 A During that period of time that I knew him, yes.
 13 Q Did he work other jobs, to your recollection?
 14 A I think so.
 15 Q Do you know what those other jobs are?
 16 A No.
 17 Q Okay. Cecil Schmall, do you remember him?
 18 A Not a Cecil Schmall.
 19 Q Cyril.
 20 A Cyril Schmall, yes.
 21 Q Okay. And what department do you recall him
 22 working in?
 23 A I recall him working in the detail department.
 24 Q And what did they do in the detail department?
 25 A They did the machining for locks, hinges, light

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1 BY MR. CASCINO:
 2 Q I'm sorry. Sales of fire doors.
 3 A Yes.
 4 Q Were there any records kept concerning medical --
 5 the medical surveillance program to your
 6 knowledge?
 7 A Not to my knowledge.
 8 Q Was there any policy that -- concerning the
 9 retention of the formulas that were used?
 10 MR. METCALF: Object to the form of the
 11 question.
 12 BY THE WITNESS:
 13 A There was only one formula used.
 14 BY MR. CASCINO:
 15 Q Okay. So that was the formula that was developed
 16 around 1966 by the folks in Weyerhaeuser's
 17 corporate offices that came to Marshfield?
 18 MR. METCALF: Object to the form of the
 19 question.
 20 BY THE WITNESS:
 21 A To my knowledge, yes.
 22 BY MR. CASCINO:
 23 Q And that formula was one we talked about earlier
 24 that had chrysotile and amosite in it, correct?
 25 A Yes.

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1 openings or windows, commonly known.
 2 Q So they would have to saw through the mineral core
 3 to do their job?
 4 MR. METCALF: Object to the form of the
 5 question.
 6 BY THE WITNESS:
 7 A Yes.
 8 BY MR. CASCINO:
 9 Q And they would have to drill through as well?
 10 A Yes.
 11 Q And some of those drill bits were as long as
 12 36 inches, even longer sometimes, correct?
 13 MR. METCALF: Object to the form of the
 14 question.
 15 BY THE WITNESS:
 16 A Yes.
 17 BY MR. CASCINO:
 18 Q And did you ever watch anyone drill into one of
 19 those doors?
 20 A Yes.
 21 Q And when they pulled that drill out, what did you
 22 see in the air?
 23 MR. METCALF: Object to the form of the
 24 question.
 25

46 (Pages 181 to 184)

BY THE WITNESS:

A Depending on what door you're drilling through, it could be wood dust, and it could be mineral core dust.

BY MR. CASCINO:

Q Mineral core dust would have contained asbestos, correct?

A Yes.

MR. METCALF: Object to the form of the question.

BY MR. CASCINO:

Q And so you could visually see dust when you pulled out that drill bit from the asbestos-containing mineral core; is that correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Yes.

BY MR. CASCINO:

Q And a worker would breathe that dust; is that correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A I can't -- I'm not sure.

A No, not that I recall.

Q Okay. What was the average number of fire doors that would be manufactured on a weekly basis at Weyerhaeuser's plant in Marshfield?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Well, as I mentioned early on, that -- depending on what you're talking about as a fire door, there are 20-minute, 30-minute, 45, 60, 90-minute doors.

BY MR. CASCINO:

Q Let's talk about fire doors that had asbestos in them.

A Okay. Those would be 45, 60 and 90-minute doors, and somewhere in that 20 to 25 percent range at that point in time.

BY MR. CASCINO:

Q Okay. And these 40, 60 and 90 percent [sic] doors, they always had asbestos in them up until the point that -- sometime that they stopped using asbestos; is that correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A From what point in time to --

BY MR. CASCINO:

Q Who is Alice Sebastian?

A Wife of Siegfried Sebastian.

Q Do you recall what jobs Alice did at the plant?

A No, I don't.

Q Okay. I actually ran into Siegfried this morning.

A You did?

Q At the Walgreens. His wife just got out of the nursing home, and he is as happy as can be.

A Oh, is that right?

Q Yeah. She fell down or something.

A Oh. I saw him at the credit union dinner Saturday night.

Q Did you? Wonderful. He's such a nice man.

Obermeier, do you remember Obie?

A Yes.

Q And he worked in the core mill?

A To my -- no.

Q Okay. You didn't recall him sanding Kaylo doors?

A No.

MR. METCALF: Object to the form of the question.

BY MR. CASCINO:

Q Not at least while you were involved in the core mill?

BY MR. CASCINO:

Q 1966 until, let's say, 1979.

A Yes, yes.

Q There was not a fire door that was produced that was -- had a 45-minute, 60-minute or 90-minute other than the asbestos-containing ones that were built at least during the period of 1966 to 1979 before obviously a replacement for the material comes into play at some point, correct?

MR. METCALF: Object to the form of the question.

BY THE WITNESS:

A Yes.

BY MR. CASCINO:

Q Who is Verna Fohrman?

A Verna worked for me in the door inspection department. She was a first-line supervisor.

Q She was the first woman, I think, to be a supervisor; is that right?

A Yes.

Q And did she work in the door core plant, do you recall?

A Not to my knowledge.

Q At some point in time, were workers required that worked in the -- at the facility required to

1 change their clothes at work and take a shower?
 2 MR. METCALF: Object to the form of the
 3 question.
 4 BY THE WITNESS:
 5 **A In -- in what area are you referring to?**
 6 **BY MR. CASCINO:**
 7 Q In any area of the plant.
 8 What areas were those that someone
 9 would have to take a shower and change their
 10 clothes before going home?
 11 **A In the mineral core department that I supervised**
 12 **from '70 to '76, they were required to take a**
 13 **shower and change clothes.**
 14 Q Okay. No other department, to your knowledge, was
 15 required to do that; is that correct?
 16 **A As I understand, the core mill adopted that same**
 17 **policy.**
 18 Q When you say the core mill, that does not include
 19 the people that were doing the sanding of the door
 20 material, does it?
 21 **A I'm not sure who fell under that criteria in the**
 22 **core mill.**
 23 Q Are you familiar with Elwood Schiller?
 24 **A Yes.**
 25 Q Who is Mr. Schiller?

1 **A He worked in the maintenance department. I'm not**
 2 **sure what his duties were.**
 3 Q Did he also do any of the trucks that left the
 4 plant with asbestos in them?
 5 MR. METCALF: Object to the form of the
 6 question.
 7 BY THE WITNESS:
 8 **A I'm not sure.**
 9 **BY MR. CASCINO:**
 10 Q Who is T. Frost, if you know?
 11 **A No, I don't know him.**
 12 Q These are people from the corporate
 13 headquarters --
 14 **A Oh.**
 15 Q -- that appear on names, so you may or may not.
 16 An S. Larson?
 17 **A No.**
 18 Q R. Metzler?
 19 **A No.**
 20 Q Roger Odell?
 21 **A I know --**
 22 Q Go ahead.
 23 **A Yes, I know Roger Odell.**
 24 Q And how do you know Roger?
 25 **A Roger was my supervisor for a couple of years in**

1 **'72 and '73, I believe.**
 2 Q And that was at the mineral core?
 3 **A Yes.**
 4 Q Norm Pacourek, P-a-c-o-u-r-e-k?
 5 **A Yeah. Norm worked in the technical department at**
 6 **the door mill.**
 7 Q Which building was the technical department in?
 8 **A Well, it was over in that area we talked about**
 9 **where they made the glue, formulated the glue, in**
 10 **a small lab above the stockroom.**
 11 Q And did they make the glue there or did they
 12 purchase the glue?
 13 **A They purchased the components and did their own**
 14 **formulating.**
 15 Q And the ingredients included phenolic compounds?
 16 **A They included phenolic resin, urea formaldehyde**
 17 **resins, straight urea resins, urea fortified with**
 18 **propyl alcohol and flour and water.**
 19 Q And no one ever told you that any of those resins
 20 contained asbestos; is that correct?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 **A No one ever told me that. No one's still told me**
 25 **that.**

1 **BY MR. CASCINO:**
 2 Q Do you know where they purchased the phenolic
 3 compounds from?
 4 **A No.**
 5 Q Do you know where they purchased any of the resin
 6 material -- any of the resins from?
 7 **A I think Borden's was a supplier.**
 8 Q Borden's?
 9 **A Borden's. I'm not sure.**
 10 Q Okay. And where are they located out of?
 11 **A I'm not sure.**
 12 Q And is that Borden's, B-o-r-d- --
 13 **A -- d-e-n-s, I guess.**
 14 Q Okay. Did you ever watch Roger Seehafer cut holes
 15 in the doors that contained asbestos?
 16 **A Yes.**
 17 Q And did you ever see him drill the doors?
 18 MR. METCALF: Object to the form of the
 19 question.
 20 BY THE WITNESS:
 21 **A No.**
 22 **BY MR. CASCINO:**
 23 Q And his -- what department did he work in when he
 24 would cut the holes in the doors?
 25 **A The detail department.**

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1 Q And people in the detail department were never
2 required to change their clothes at work and take
3 a shower; is that correct?
4 MR. METCALF: Object to the form of the
5 question.
6 BY THE WITNESS:
7 A **That's correct.**
8 BY MR. CASCINO:
9 Q And people in the detail department were not
10 required to wear a mask; is that correct?
11 A **They were required to wear a mask, as I recall,**
12 **when they were machining mineral core doors.**
13 Q Are you aware of any documents that indicate that
14 that was the policy?
15 A **I'm not aware of documents that indicate that, no.**
16 Q Did you supervise the detail department at some
17 point?
18 A **Yes.**
19 Q In order to make a raceway for electric locks,
20 that would require drilling into the door core if
21 it contained asbestos; is that correct?
22 MR. METCALF: Object to the form of the
23 question.
24 BY THE WITNESS:
25 A **Yes.**

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1 BY MR. CASCINO:
2 Q Same thing would be true when you cut locks?
3 MR. METCALF: Object to the form of the
4 question.
5 BY THE WITNESS:
6 A **Yes.**
7 BY MR. CASCINO:
8 Q And at the end of a shift people that worked in
9 the detail department, they would sweep up with
10 brooms; is that correct?
11 A **I think most of the cleanup was done with vacuum**
12 **hoses, but there may have been some brooms.**
13 Q And it was routine for them to clean up at the end
14 of their shifts, correct?
15 A **Yes.**
16 MR. CASCINO: Would you mark this as
17 Exhibit No. 4, please?
18 (Exhibit No. 4 was marked for
19 identification.)
20 BY MR. CASCINO:
21 Q Directing your attention to what's been marked as
22 Exhibit No. 4, first of all, sir, is that in a
23 form that -- does that cause you any problem in
24 whether or not that's a Weyerhaeuser document?
25 A **No. It's a Weyerhaeuser document.**

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1 Q Okay. And did you receive that document?
2 A **It looks like I was copied on it.**
3 Q Okay. And does that document talk about trucks as
4 opposed to railcars bringing in asbestos into the
5 plant?
6 A **It says, "Asbestos Trucks."**
7 Q So it wasn't just railroad cars. There was
8 asbestos trucks as well --
9 MR. METCALF: Object to the --
10 BY MR. CASCINO:
11 Q -- bringing asbestos into the plant?
12 MR. METCALF: Object to the form of the
13 question.
14 And while you're reading that, I'll
15 just go ahead and object to the highlighting
16 that's on there.
17 BY THE WITNESS:
18 A **I don't recall asbestos coming in by trucks. I**
19 **can't relate to that.**
20 BY MR. CASCINO:
21 Q That's fine.
22 A **I received a copy of the memo, but I -- that's all**
23 **I can say. I don't recall that.**
24 Q Now, do you recall ever meeting with the OSHA
25 folks at the Marshfield plant in the mid-1970s?

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1 A **I -- I don't recall meeting with them personally.**
2 Q And again, the only mask you recall is the 3M mask
3 being used, right?
4 A **That's the only one I can recall after this late**
5 **date.**
6 Q Okay. And were any of the other masks other color
7 or were they all a white --
8 A **All white that I recall.**
9 Q Okay. And do you recall that those were the 8710
10 3M masks?
11 MR. FOUKAS: Object to the form.
12 BY MR. CASCINO:
13 Q Did that ring a bell?
14 A **I don't remember that. I don't recall a number at**
15 **all.**
16 Q That'd be something that Joe Wendlick would know
17 probably, right?
18 MR. METCALF: Object to the form of the
19 question.
20 BY THE WITNESS:
21 A **I'm not sure. I can't answer for Joe. He's**
22 **younger than I am. His memory might be better.**
23 BY MR. CASCINO:
24 Q And were there always quarterly Marshfield
25 asbestos audits done at least as of June 1975

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1 going forward?
 2 MR. METCALF: Object to the form of the
 3 question.
 4 BY THE WITNESS:
 5 **A I can't answer that for sure.**
 6 **BY MR. CASCINO:**
 7 Q Were air chisels used to get the material made out
 8 of these pans?
 9 MR. METCALF: Object to the form of the
 10 question.
 11 BY THE WITNESS:
 12 **A If I could relate to the use of air chisels, it**
 13 **was used to chip the -- when pans were being**
 14 **repaired and so on, there was a buildup of lime**
 15 **and silica that could get into the bottom of the**
 16 **pans, and they'd use air chisels to loosen this**
 17 **up, and that was done by the maintenance people.**
 18 **BY MR. CASCINO:**
 19 Q And that silica would include the asbestos
 20 materials, that was being cooked, right?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 **A It's debatable, possibly.**
 25

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1 Q Okay. Who owned the parking lot?
 2 **A But there were some private parking lots nearby**
 3 **that were rented out and so on.**
 4 Q All right. So there were -- there were parking
 5 lots that were outside the plant that were owned
 6 by someone else that the plant would rent out --
 7 **A Individuals would --**
 8 Q -- or pay out the rent?
 9 **A Individuals would rent parking spots.**
 10 **You have to remember, sometimes in**
 11 **the wintertime, people wanted to plug in their**
 12 **cars. These private parking lots had plug-ins for**
 13 **their cars.**
 14 Q That's smart. That's what the hotels needed back
 15 then.
 16 Would the electronic operators --
 17 would they be exposed to asbestos in your opinion?
 18 **A Yes.**
 19 MR. METCALF: Object to the form of the
 20 question.
 21 BY MR. CASCINO:
 22 Q Would the glue rail folks be exposed to asbestos?
 23 MR. METCALF: Object to the form of the
 24 question.
 25

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1 BY MR. CASCINO:
 2 Q Well, I mean, the pan cleaning, at least according
 3 to Mr. Wendlick, included the -- reducing
 4 considerable airborne asbestos fibers. Does that
 5 surprise you?
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 **A Yes, it does.**
 10 **BY MR. CASCINO:**
 11 Q Okay. Did you receive the quarterly audits for
 12 asbestos?
 13 MR. METCALF: Object to the form of the
 14 question.
 15 BY THE WITNESS:
 16 **A I didn't receive the specific measurements and so**
 17 **on. I only received the -- the pass/fail rating.**
 18 **BY MR. CASCINO:**
 19 Q And do you remember receiving measurements that
 20 were taken downwind from the dump site such as the
 21 Cleveland landfill and the Carter Day baghouse?
 22 **A No, I do not remember those.**
 23 Q The parking lot, was that owned by Weyerhaeuser or
 24 was that owned by the city?
 25 **A None of it was owned by the city as I recall.**

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1 BY THE WITNESS:
 2 **A Yes.**
 3 **BY MR. CASCINO:**
 4 Q The tongue-and-groove operator would be exposed to
 5 asbestos?
 6 **A Yes.**
 7 Q Abrasive planer feeder would be exposed to
 8 asbestos?
 9 MR. METCALF: Object to the form of the
 10 question.
 11 BY THE WITNESS:
 12 **A Yes.**
 13 **BY MR. CASCINO:**
 14 Q What is an off-bearer, o-f-f b-e-a-r-e-r?
 15 **A This would be a person that would be on the back**
 16 **end of a machine, whether it be a sander or**
 17 **whatever, and they would position the -- whatever**
 18 **was coming through that machine so they kept the**
 19 **load straight, and it was just a helper.**
 20 Q And would they be exposed to asbestos?
 21 MR. METCALF: Object to the form of the
 22 question.
 23 BY THE WITNESS:
 24 **A Possibly.**
 25

50 (Pages 197 to 200)

1 BY MR. CASCINO:
 2 Q All right. You would defer to the Marshfield
 3 asbestos monitoring document if -- as to --
 4 A Yes.
 5 Q Okay. How about the unload dryer trim and sort
 6 person? Would they be exposed to asbestos fibers?
 7 MR. METCALF: Object to the form of the
 8 question.
 9 BY THE WITNESS:
 10 A I would say no.
 11 BY MR. CASCINO:
 12 Q Okay. But, again, you would defer to the random
 13 sampling that was actually done?
 14 A Yes.
 15 MR. METCALF: Object to the form of the
 16 question.
 17 BY MR. CASCINO:
 18 Q How about the batch controller? Would they be
 19 exposed -- he or she be exposed to asbestos?
 20 MR. METCALF: Object to the form of the
 21 question.
 22 BY THE WITNESS:
 23 A Only to the extent of the monitoring, I suppose.
 24 BY MR. CASCINO:
 25 Q You would defer to the monitoring?

1 A Yes.
 2 Q Okay. Were any people ever removed while you were
 3 working there and told that they could no longer
 4 work in the door core plant?
 5 A Yes.
 6 Q And that was because they didn't need further
 7 exposure to asbestos?
 8 A I'm not sure.
 9 MR. METCALF: Object to the form of the
 10 question.
 11 BY THE WITNESS:
 12 A I'm not sure why they were removed.
 13 BY MR. CASCINO:
 14 Q You don't have any knowledge that they were
 15 removed because of their -- they continued to be
 16 exposed to asbestos?
 17 A It was not common knowledge as to why they were
 18 removed. It could have been a preexisting
 19 condition.
 20 Q Were you ever in charge of supervising the
 21 monitoring sheets?
 22 A No.
 23 MR. CASCINO: Would you mark this as the
 24 next exhibit, please?
 25

1 (Exhibit No. 5 was marked for
 2 identification.)
 3 MR. METCALF: I'll go ahead and object
 4 to the highlighting.
 5 BY MR. CASCINO:
 6 Q Can you tell me what that document is entitled or
 7 about?
 8 A It says, "Mineral Core Monitoring - Additions."
 9 Q Okay. And you have nothing suspicious as to
 10 whether or not that's not a Weyerhaeuser document
 11 that's over 20 years old?
 12 A It looks like a Weyerhaeuser document.
 13 Q And you're named in the bottom paragraph or so of
 14 that document; is that correct?
 15 A Yes.
 16 Q And what does it say there?
 17 A It says, "The mineral core monitoring sheets we
 18 are working" --
 19 Q I'm sorry. I can't hear you.
 20 A It says, "The mineral core monitoring sheets we
 21 are working with are to be considered stable as of
 22 March 1. This would exclude those employees
 23 bidding out of the areas of the monitoring and
 24 their considered replacements."
 25 Q Would you read the paragraph that contains your

1 name?
 2 A It says, "This has been discussed with the
 3 supervisors in charge of the monitoring sheets,
 4 Ron Koepke, Wally Mannigel, Bill Haeni, Lloyd
 5 McDonald and Terry Wolf. If you have any other
 6 questions," blah, blah, blah.
 7 Q Okay. Would you mark this --
 8 A I guess I misunderstood your question. I thought
 9 you were talking about the mineral core exposure
 10 monitoring. This is referring to the personnel
 11 that's on the list as I read this. To answer
 12 that, yes, I was involved in that obviously.
 13 Q So you were involved in the asbestos monitoring
 14 program?
 15 A No.
 16 MR. METCALF: Object to the form of the
 17 question.
 18 BY THE WITNESS:
 19 A No, I was not. I was involved in supervising the
 20 list of personnel that were put onto the program,
 21 but did not have anything to do with the
 22 monitoring program itself, the exposure program.
 23 MR. CASCINO: Would you mark this as the
 24 next exhibit, please?
 25

Videotaped Deposition of Ronald Koepke, 2/18/2014

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1 (Exhibit No. 6 was marked for
2 identification.)
3 MR. METCALF: All right. I'm going to
4 object to the highlighting on this one as well.
5 And for the record, it's got two
6 different dates on it. So you've got a June 27th,
7 1972, date on the first page and a June 28th,
8 1972, date on the second page. I don't know that
9 they actually go together, but . . .
10 MR. CASCINO: I don't know either, to be
11 blunt about it.
12 BY MR. CASCINO:
13 Q Directing your attention to Exhibit No. 6, is this
14 a Weyerhaeuser document as it appears on its face?
15 A **Appears to be.**
16 Q And you're mentioned in that document, I think?
17 MR. METCALF: I'm going to object to him
18 answering any questions about the document until
19 he's had a chance to read through the document.
20 BY MR. CASCINO:
21 Q Okay. Go ahead. I'm almost done. I think they
22 are two separate documents. The only thing I
23 was -- did you ever get the first one, do you
24 remember?
25 A **I don't --**

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1 **sampling process that varies from a dry sampling**
2 **process to a wet impinger sampling process and**
3 **trying to determine which one is the best or**
4 **which one they intend to use, but I don't see**
5 **where I'm having to do -- have anything to do with**
6 **the actual . . .**
7 Q Give that to her.
8 The people who worked in patch and
9 putty, they were exposed to asbestos; is that
10 correct?
11 MR. METCALF: Object to the form of the
12 question.
13 BY THE WITNESS:
14 A **I can't say for sure that they were.**
15 BY MR. CASCINO:
16 Q Okay. You would defer, though, to Mr. --
17 A **The sampling process, yes.**
18 Q -- the sampling sheet for the monthly asbestos
19 sampling for March of 1975 if it indicated that
20 they were exposed to levels; is that correct?
21 A **That's correct.**
22 Q Okay. The core mill janitor, was he exposed to
23 asbestos?
24 MR. METCALF: Object to the form of the
25 question.

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1 Q Do you remember?
2 A **I would imagine I did if my name was involved in**
3 **it. Normal procedure was that if your name was in**
4 **it you got copied on it.**
5 Q Okay. And that talks about the -- who's going to
6 be monitored, right, you played a role in that?
7 Is that what it says or am I misquoting it?
8 A **I don't think I played a role in who was to be**
9 **sampled if that's the question.**
10 Q What does it say you played a role in in the
11 document itself?
12 A **It doesn't appear that I had to be responsible as**
13 **much as some of the other folks did as far as the**
14 **monitoring part of it.**
15 Q What does it say in terms of you? Can you read it
16 to us?
17 A **It just said I was in attendance. It doesn't say**
18 **anything else, at least I've not -- unless it's**
19 **over here. It says (reading document).**
20 MR. METCALF: She's trying to get it
21 down. You can take your time and finish the
22 second page if you want to.
23 BY MR. CASCINO:
24 Q Yeah. Take your time.
25 A **The way I read it is he's just comparing the**

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1 BY THE WITNESS:
2 A **I was not even aware that they had a janitor.**
3 BY MR. CASCINO:
4 Q Okay. And folks that did cleanup in the mineral
5 core, they would be exposed to asbestos, right?
6 MR. METCALF: Object to the form of the
7 question.
8 BY THE WITNESS:
9 A **To the extent that everyone was, yes.**
10 BY MR. CASCINO:
11 Q And they would use shovels to pick up the waste
12 products in the mineral core plant; is that
13 correct?
14 MR. METCALF: Object to the form of the
15 question.
16 BY THE WITNESS:
17 A **Not totally correct; used shovels as well as**
18 **vacuum system.**
19 BY MR. CASCINO:
20 Q Okay. Does it surprise you the vacuum system
21 isn't mentioned in the mineral core cleanup area
22 in its monthly report?
23 MR. METCALF: Object to the form of the
24 question. Whose monthly report are we talking
25 about?

1 MR. CASCINO: Joe Wendlick's.
 2 BY MR. CASCINO:
 3 Q And the people that would actually be dumping the
 4 asbestos into the hopper, they would be exposed to
 5 asbestos, correct?
 6 MR. METCALF: Object to the form of the
 7 question.
 8 BY THE WITNESS:
 9 **A To the extent of the monitoring.**
 10 **BY MR. CASCINO:**
 11 Q What is the abrasive planner -- planer?
 12 **A It's a machine that dimensions the product to a**
 13 **specific thickness.**
 14 Q Was that in the door mill -- the core mill?
 15 **A We had -- we had an abrasive planer in the mineral**
 16 **core, and there was an abrasive planer in the core**
 17 **mill.**
 18 Q Okay. And the abrasive planer, they would be
 19 exposed to asbestos; is that correct?
 20 MR. METCALF: Object to the form of the
 21 question.
 22 BY THE WITNESS:
 23 **A I'll defer to the monitoring.**
 24 **BY MR. CASCINO:**
 25 Q Would you receive these monthly -- these quarterly

1 **BY MR. CASCINO:**
 2 Q Directing your attention -- would you mark this,
 3 please?
 4 Have you seen Joe Wendlick's
 5 signature?
 6 **A Yes.**
 7 Q Probably a number of times, right?
 8 **A Probably none that I can recall specifically.**
 9 Q Okay. Fair enough.
 10 MR. METCALF: I'm going to object to
 11 this document because I don't see Ron's name
 12 anywhere on it, and you can ask him some questions
 13 about it, but . . .
 14 MR. CASCINO: Okay. Would you mark that
 15 as an exhibit, please?
 16 (Exhibit No. 7 was marked for
 17 identification.)
 18 MR. METCALF: We're now up to exhibit?
 19 THE COURT REPORTER: 7.
 20 BY MR. CASCINO:
 21 Q Do you recognize Joe's signature on that document?
 22 MR. METCALF: I'm going to object.
 23 BY THE WITNESS:
 24 **A No.**
 25

1 samples?
 2 MR. METCALF: Objection. Asked and
 3 answered.
 4 BY THE WITNESS:
 5 **A As I mentioned before, the only thing I would**
 6 **receive is a pass/fail report. I didn't get the**
 7 **specific results of the monitoring, no.**
 8 MR. CASCINO: I'm almost done. Just
 9 give me a minute, please.
 10 BY MR. CASCINO:
 11 Q Would people in the core mill, patch and putty
 12 department pound Kaylo plugs into the doors to
 13 stop the imperfections?
 14 MR. METCALF: Object to the form of the
 15 question.
 16 BY THE WITNESS:
 17 **A Not to my knowledge.**
 18 **BY MR. CASCINO:**
 19 Q You'd defer, though, to Joe Wendlick and a
 20 document that he wrote to that matter; is that
 21 correct?
 22 MR. METCALF: Object to the form of the
 23 question.
 24 BY THE WITNESS:
 25 **A I'm not familiar with the document or any of that.**

1 BY MR. CASCINO:
 2 Q Okay. That's all right. We'll ask Joe about that
 3 document.
 4 What is the salvage saw area?
 5 **A It was a workstation within the mineral core plant**
 6 **that we would salvage as much as we could out of**
 7 **cores that would get a broken edge or maybe there**
 8 **was an area of the core that didn't sand out where**
 9 **it was perfectly smooth, and we'd salvage as much**
 10 **as we could out of that that would -- that could**
 11 **be used to be machined to make a full-piece core.**
 12 **BY MR. CASCINO:**
 13 Q Okay. To those personnel -- the people that you
 14 were -- strike that.
 15 Were personnel that worked in the
 16 salvage saw area exposed to asbestos?
 17 MR. METCALF: Object to the form of the
 18 question.
 19 BY THE WITNESS:
 20 **A To the -- to the extent of the monitoring.**
 21 **BY MR. CASCINO:**
 22 Q When was the -- there's an old ventilation system,
 23 and then they put in a new system. When did they
 24 put a new system in?
 25 MR. METCALF: Object to the form of the

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1 question.

2 BY THE WITNESS:

3 **A I don't think I know what you're referring to.**

4 **BY MR. CASCINO:**

5 Q Do you recall them ever changing the system for
6 the air -- let me find it. Hang on one second.

7 When did they put the baghouses in
8 roughly?

9 **A There was a baghouse put in initially in 1966 or
10 '67, whenever they built the building.**

11 Q Okay.

12 MR. CASCINO: All right. I don't think
13 I have any questions -- any further questions at
14 this time. I appreciate your time. I think
15 someone else -- oh, I'm sorry. I have another
16 question.

17 BY MR. CASCINO:

18 Q Did you -- you met with the Forman Perry
19 attorneys, right, ahead of time?

20 **A Today?**

21 Q Whenever; I don't care when. But you met with
22 them?

23 **A Yes.**

24 Q Did you meet with the other attorneys sitting --
25 any of the other attorneys sitting at the table?

1 **A Yes.**

2 Q That's the only product that you ever saw
3 manufactured by 3M out at that facility, right?

4 **A I believe we purchased sander belts from 3M.**

5 Q The only type of respiratory protection were these
6 paper masks, though, correct?

7 **A Yes.**

8 Q And if I understood your testimony earlier, the
9 only time you saw these paper masks being used was
10 after 1970, correct?

11 **A Yes.**

12 Q And the only area of the plant where you saw
13 people using the paper masks were -- was the
14 mineral core building, and I believe you said
15 there was -- where they would carve out --

16 **A The core mill.**

17 Q -- the core mill?

18 **A Patch and putty area.**

19 Q The workers in that area weren't required to wear
20 paper masks the entire time of their shift, were
21 they, in either of those areas?

22 **A In the mineral core area they were, and in fact,
23 they would wear two or three in the course of a
24 day; and I'm not sure what the stipulation was in
25 the core mill.**

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1 **A No.**

2 Q They were not at any of the meetings?

3 **A No.**

4 MR. CASCINO: Okay. Let me just make
5 sure of one thing here. Okay. I don't think I
6 have any other questions.

7 MR. METCALF: Do you want to take a
8 quick break?

9 THE VIDEOGRAPHER: Going off the record.
10 The time is 5:48.

11 (Recess taken from 5:48 p.m. until
12 5:59 p.m.)

13 THE VIDEOGRAPHER: We are back on the
14 record at 5:59.

15 EXAMINATION

16 BY MR. FOUKAS:

17 Q Good afternoon, sir. My name is Anastasios
18 Foukas, and I represent 3M.

19 **A Pleased to meet you.**

20 Q Nice to meet you, as well. Heard quite a lot
21 from -- questions today. I hope to be much
22 briefer and much more focused.

23 You mentioned 3M as the
24 manufacturer of some paper masks at the
25 Weyerhaeuser facility, correct?

1 Q That's because you never supervised the core mill,
2 correct?

3 **A That's correct.**

4 Q And you never worked there personally, did you?

5 **A That's correct.**

6 Q And I wanted to ask you a little bit about the
7 percentage of fire doors that you mentioned that
8 contained asbestos. You had said that it was
9 25 -- or 20 to 25 percent of the doors contained
10 asbestos. Are you saying of all doors or of just
11 the fire doors?

12 **A That would be of all doors.**

13 Q Okay.

14 **A Yes.**

15 Q I wanted to talk to you a little bit about the
16 paper masks. You had mentioned that the only one
17 you could recall is 3M, but there were other
18 manufacturers out at the plant, right?

19 **A Yes.**

20 Q Do you know who ordered those paper masks?

21 **A I believe they were ordered from the stockroom.
22 The stockroom dispensed all the expendables, the
23 gloves, the respirators, what have you.**

24 Q But who would actually order the expendables in,
25 like these paper masks?

Videotaped Deposition of Ronald Koepke, 2/18/2014

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1 **A The storeroom manager was doing that.**
 2 Q Do you recall any of the names of the storeroom
 3 managers after 1970?
 4 **A Sat alongside them Saturday night. First name --**
 5 **nickname is Bud, his last name is Herkert,**
 6 **H-e-r-k-e-r-t.**
 7 Q Do you recall what years Bud was the manager of
 8 the storeroom?
 9 **A For sure '70 on until past the asbestos period.**
 10 Q And that's -- brings up another point.
 11 The masks were only required to be
 12 used from 1970 until you phased asbestos out of
 13 the products in '78, right?
 14 **A Yes, for the most part; although just nuisance**
 15 **dust areas where people are still wearing masks,**
 16 **but that is irrelevant, so . . .**
 17 Q After '78 none of the employees were ever required
 18 to wear a paper mask again, were they?
 19 **A Not to my knowledge.**
 20 Q They would only wear it if they wanted to?
 21 **A Yes.**
 22 Q Do you recall -- strike that.
 23 Do you know who delivered the paper
 24 masks, what supply house or company?
 25 **A No.**

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1 **A No.**
 2 Q -- of any of the 3M masks. Do you recall any of
 3 the model numbers of any of the manufacturers?
 4 **A No, I don't. I'm sorry.**
 5 Q When the masks were delivered to the mineral core
 6 area of the plant, were they in any packaging or
 7 were they just loose?
 8 **A As I recall, because of the number that we used**
 9 **out there, that we would bring them over in a**
 10 **carton of them, whatever was in a carton, and we**
 11 **had a supply room that we kept that stuff in.**
 12 Q You had a supply room at the mineral core
 13 facility?
 14 **A Yeah; for gloves and all the other expendables**
 15 **that would be used.**
 16 Q Do you recall any warning labels or caution labels
 17 on the exterior of these cartons?
 18 **A No.**
 19 Q Do you recall seeing any certifications from the
 20 Bureau of Mines on the exterior of these boxes?
 21 **A Not that I can recall.**
 22 Q How about from OSHA? Was there any certification
 23 from OSHA on the exterior?
 24 **A Not that I recall.**
 25 Q How about from NIOSH?

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1 Q You mentioned that there were rubber bands
 2 attaching these masks that you would put --
 3 **A Behind your head and below your ear and one above**
 4 **your ear.**
 5 Q Do you recall what color those bands were?
 6 **A I recall them to be a yellow or orange -- yellow,**
 7 **I believe.**
 8 Q This may sound like a silly question, but were you
 9 ever trained on how to use a paper mask?
 10 **A Yes. Joe Wendlick showed us the proper way to put**
 11 **them on and how to -- to pinch the metal clip down**
 12 **tight around your nose.**
 13 Q So -- so we get a better description of these
 14 masks, they just covered your nose and mouth,
 15 correct?
 16 **A Yes.**
 17 Q And it was a one size fits all mask?
 18 **A Yes.**
 19 Q Was there any way to adjust the sizing of the mask
 20 other than pinching down on that metal?
 21 **A No, not that I recall.**
 22 Q Do you recall what color that metal bar was?
 23 **A It was an aluminum color.**
 24 Q And you've already told us you don't remember the
 25 model number --

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1 **A No.**
 2 Q And that was a "no," there was no NIOSH?
 3 **A No, not that I recall.**
 4 Q You mentioned that workers in the mineral core
 5 area would sometimes go through two or three of
 6 these masks in a given shift; is that right?
 7 **A Yes.**
 8 Q So these masks were intended to just be thrown
 9 away?
 10 **A Yes.**
 11 Q Do you know -- it would be up to the worker to
 12 determine when to throw the old mask away; is that
 13 right?
 14 **A Yes.**
 15 Q Where would workers in the mineral core area go
 16 for breaks or for lunch?
 17 **A We had our own -- a separate lunch break --**
 18 **lunchroom.**
 19 Q Was that walled off from the production area at
 20 all?
 21 **A Yes, uhm-hm.**
 22 Q And there were restrooms in the mineral core area?
 23 **A The restrooms were in the shower room area,**
 24 **showers and locker room.**
 25 Q And you mentioned at a certain point workers were

1 issued uniforms that they would -- that they would
2 work in in the mineral core area, right?

3 **A Yes.**

4 **Q** Do you recall when that started?

5 **A When I went to mineral core in 1970, that was one**
6 **of the first duties I had was to arrange for**
7 **purchasing of uniforms.**

8 **Q** So from -- I believe you said the mineral core
9 area started in '68 is when it was actually up for
10 production?

11 **A Yes.**

12 **Q** From '68 to '70 there were no uniforms?

13 **A I can't say that for sure, no.**

14 **Q** But you had to purchase uniforms in 1970 when you
15 went over there?

16 **A Well, we also expanded the work crew -- the**
17 **numbers of folks and so on so they could require**
18 **them to get more uniforms and to get everybody on**
19 **the same wavelength.**

20 **Q** When you first moved over there in 1970, were
21 workers already using paper masks or was that
22 something that you also instituted?

23 **A I can't recall if they were.**

24 **Q** In any of the other areas that you supervised at
25 the plant, masks were never required for any of

1 **A Yes.**

2 **Q** -- of the mineral cores, right?

3 **A Yes, uhm-hm.**

4 **Q** Workers in the mineral core department weren't
5 required to wear their masks when they were going
6 on a break or at lunch, were they?

7 **A No. As I recall, most of the employees would wear**
8 **the mask up to lunch break, and that got deposited**
9 **right into the garbage as they went into the lunch**
10 **room. As they came out, they took a new one, took**
11 **a fresh one.**

12 **Q** You never saw -- I'm going to apologize; I know
13 you gave us the pronunciation earlier today --
14 Rita?

15 **A Treutel.**

16 **Q** Treutel. You never saw Rita Treutel wear a mask,
17 did you?

18 **A No. When she worked for me, she worked as a clerk**
19 **in the finishing office, and then later on -- of**
20 **course, that was after 1978 -- she worked in the**
21 **detail office.**

22 **Q** And so in both of those capacities when you worked
23 around her, you never saw her wear a mask, did
24 you?

25 **A No.**

1 the workers there, were they?

2 **A Not that I recall. Are we talking now in the --**
3 **from '70 to '78?**

4 **Q** At any point during your time at the plant other
5 than in the mineral core area which you
6 supervised, you mentioned the core mill which you
7 didn't, but in any of the other areas where you
8 actually worked or supervised, were paper masks
9 ever required?

10 **A They were required when they were drilling doors**
11 **in the detail department.**

12 **Q** And again, that requirement would have started
13 after 1970?

14 **A I'm not sure. I wasn't -- I didn't start**
15 **supervising that area until 1978, I believe.**

16 **Q** And you never worked in that area yourself, did
17 you?

18 **A No, but I was -- I was the superintendent so I was**
19 **in there a lot.**

20 **Q** You were superintendent before '78 or after?

21 **A No, no.**

22 **Q** So all you can tell us is that in 1978 --

23 **A That's correct, yes.**

24 **Q** -- and that only would have been required until
25 asbestos was phased out --

1 **Q** And Sharon Heckel, did you ever see Sharon wear a
2 mask?

3 **A No. I don't recall her working in mineral core.**

4 **Q** And do you know a woman by the name of Mabel Carl?

5 **A Yes.**

6 **Q** How do you know Mabel?

7 **A She worked as a clerk in the office at one time**
8 **here and there. I just know that she -- she**
9 **worked in the finishing department. She had been**
10 **a school teacher years back. I just don't know**
11 **exactly where I first ran across her.**

12 **Q** You never saw Mabel Carl ever wear a paper mask,
13 did you?

14 **A No.**

15 **Q** When workers -- when production had stopped for
16 the day in mineral core and there was cleanup
17 going on, were those workers required to wear
18 paper masks?

19 **A Sure.**

20 **Q** The -- the vacuum systems for the dust in the
21 mineral core area, those were operating
22 consistently throughout the production process,
23 right?

24 MR. CASCINO: Form.

BY THE WITNESS:

A The baghouse system was on all the time, but there was an auxiliary vacuum system that we used on the floors, and that could be shut on or turned off or started up or whatever.

BY MR. FOUKAS:

Q And the auxiliary vacuum system is the one you mentioned for when employees would clean their areas --

A Yes, individual area.

Q -- after?

But the overall baghouse system was always operating?

A Yeah.

MR. CASCINO: Form.

MR. FOUKAS: Sir, I think those are all the questions I have for you today. Thank you very much.

THE WITNESS: You're welcome.

EXAMINATION

BY MR. WATSON:

Q Good evening, Mr. Koepke.

A Good evening to you.

Q My name's Brian Watson. I represent Owens-Illinois.

Plywood?

A Needed the money. I guess that's one reason.

I guess I had some aspirations to being a farmer, but coming fresh out of high school, in fact, the day I graduated, I started working at the plant; and as time went on and so on, I stayed, and I guess I don't have a good answer for why I decided to come there, but they were generally, especially in the summer months, always hiring, and it was easy to come down and apply for a job and get it, you know.

Q And you graduated from which high school?

A Spencer.

Q And after you graduated from Spencer High School in 1957, did you take employment at Roddis?

A Yes, May 23rd, 1957.

Q Did you apply for any particular position at Roddis?

A I did only because the year prior to that I worked as an electrician's helper with the maintenance group in between my junior and senior in high school, and I applied to get that job, but I didn't get it because they had awarded an apprenticeship to another gentleman -- well, make a long story short, I didn't get it.

Have we ever met before today?

A I don't think so, Brian.

Q What caused you to appear for your deposition today?

A I was subpoenaed.

Q And do you know who subpoenaed you?

A This gentleman (indicating).

Q And are you indicating Mike Cascino, who represents the plaintiffs in this action?

A Yes.

Q I want to walk through a few different areas, and I'll let you know when I'm transitioning so you can follow me. Does that sound fair?

A I hope so. Thank you.

Q Personally, what kind of house did you grow up in? What did your mother and father do for a living?

A We were farmers.

Q Did you run a dairy farm?

A Yes.

Q Besides farming, did your mother and father do anything outside of the farm and household?

A I was raised by my grandparents, and my grandpa worked at the door mill, also, as well as being a farmer.

Q What caused you to seek employment at the Roddis

Q In the 1950s in Marshfield, what did Roddis Plywood mean to this community?

A It would probably be the largest employer at that point in time without a doubt.

Q Would you be able to estimate the number of employees that Roddis Plywood had in the 1950s when you first started?

A 5 to 600.

Q You then worked continuously at Roddis Plywood until you entered the Army?

A Yes.

Q When did you --

(Telephonic interruption.)

BY MR. WATSON:

Q When did you enter the Army?

A January 9th, 1962.

Q What caused you to enter the Army on January 9th, 1962?

A January 10th -- I'm sorry. I was due to get out January 9th.

I was drafted.

Q And what conflict was occurring at that time?

A The Berlin Crisis and invasion of the Bay of Pigs and President Kennedy activated two divisions, the first -- the fourth armored division out of Fort

Hood, Texas, and the 50th infantry division mechanized in Fort Carson, Colorado, and that's where I ended up.

Q Did you receive your papers at home --

A Yes.

Q -- to report?

A Yes.

Q Where were you living at that time?

A 412A South Cedar.

Q Where did you go to report for the Army?

A To Neillsville, Wisconsin.

Q Did you then serve overseas in the Army?

A No. I served my entire tenure at Fort Carson, Colorado. I did go temporary duty with the Air Force on a couple different occasions, but for the most part, I was at Fort Carson.

Q What ranks did you hold in the Army?

A I achieved Sergeant E-5.

Q Did you start as a Private First Class?

A Yep, yes. Actually, you start out as Private E-1, and you get to be First Class after 16 weeks of basic training and advanced individual training.

Q And then what date were you discharged?

A I did get discharged. We got an early out for -- they called it convenience of the government. If

your first children, and you were just getting married.

Do you remember that period discretely as opposed to your time returning to Weyerhaeuser?

MR. CASCINO: Form.

BY THE WITNESS:

A Are you talking about the period of being in the Army?

BY MR. WATSON:

Q No. I'm talking about the time that you were working at Roddis and then Weyerhaeuser before your service in the Army?

A Yes, I think so.

Q And in your memory, looking back at it as a discrete event, is it your testimony that you don't recall seeing Kaylo at any point during that time?

MR. CASCINO: Form. Foundation.

BY THE WITNESS:

A I can only say that I do recall them testing a product that was to be ultimately used as a fire door. I didn't know if it was Kaylo or if it was whatever. And that's all I can testify to.

you were to get out within two weeks of the holidays, meaning Christmas and New Year's, you could get out. So I got out December 8th or 9th, a month early, actually.

Q Did you receive an honorable discharge?

A Yes.

Q Where did you move back home to in Marshfield or in the Marshfield area after your honorable discharge?

A I moved right -- we moved right back into the apartment we moved out of.

In the meantime, I had gotten married -- well, I had gotten married before I went into the Army, and we had two children born during that period of time, and we moved back into that same apartment and stayed there for about a year and a half.

Q What years were your children born?

A I was drafted in -- '62 and '63.

Q What year were you married?

A '61.

Q The reason I was asking you these questions, in your mind, as you look back at your time working at Roddis before your Armed Services, you hadn't served in the Army, you were just about to have

BY MR. WATSON:

Q Who would do testing --

A That gentleman that they brought up, Norm Pacourek, was -- was the head technician doing that, and I remember that part of it distinctly.

Q Was the plant owned by Roddis or Weyerhaeuser at that time?

A It was --

MR. CASCINO: Form. Foundation.

BY THE WITNESS:

A From the time I worked there, May 23rd, 1957, until August 1st of 1960, it was owned by Roddis.

BY MR. WATSON:

Q In terms of the time when they were doing the testing, was it owned by Roddis, if you remember, or Weyerhaeuser, if you remember?

A I'm not sure. I just can't -- it would have been very close one way or the other. I'm not sure.

MR. WATSON: I'm going to mark as Defense Exhibit 1 -- and it's double-sided print, so I'm not using the back side of the print. I'm only using the front side of the print --

THE COURT REPORTER: Did you want to continue the numbering or a new number?

MR. WATSON: I think the other ones were

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1 marked as Plaintiffs' exhibits.

2 THE COURT REPORTER: They were marked as
3 Koepke exhibits.

4 MR. WATSON: Okay. Then just the next
5 number in sequence, whichever it is, if you could
6 tell me.

7 THE COURT REPORTER: No. 8.

8 MR. WATSON: I'm marking as Exhibit 8
9 the document marked and Bates labeled at the
10 bottom right-hand side as OCFB1 and only that
11 side.

12 (Exhibit No. 8 was marked for
13 identification.)

14 MR. CASCINO: Could I see it, please?

15 Form. Foundation.

16 BY MR. WATSON:

17 Q Mr. Koepke, if you could take some time and look
18 at that document, and let me know when you've had
19 a chance to review it.

20 MR. CASCINO: May I have a standing
21 form, foundation?

22 MR. WATSON: Yes.

23 MR. CASCINO: Can we take a break in a
24 minute? I've got to change Band-Aids.

25 MR. WATSON: Whenever you want. I'm not

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1 BY MR. WATSON:

2 Q And have you ever seen an invoice like the one
3 I've shown you just now?

4 A No.

5 Q That's all the questions I have in terms of the
6 document that I've handed you, and if you want to
7 clear it away from you, that'd be just fine.

8 MR. CASCINO: Let me see it for a
9 second. Thank you, sir.

10 BY MR. WATSON:

11 Q Now, after you returned to Weyerhaeuser following
12 your service, at what point do you remember Kaylo
13 being used?

14 A It had to be something like the mid -- the
15 mid-'60s, as I recall. I just -- I can't be any
16 more precise than that.

17 Q Did individuals at Weyerhaeuser refer to their own
18 mineral core that they made with their own process
19 generically to Kaylo?

20 MR. CASCINO: Form. Foundation. Also
21 mental state of others.

22 BY THE WITNESS:

23 A Yes.

24 BY MR. WATSON:

25 Q In your work for the '60s and '70s and '80s, after

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1 going to stand in the way of changing Band-Aids.

2 THE VIDEOGRAPHER: Taking a break?
3 Going off the record. The time is 6:24.

4 (Recess taken from 6:24 p.m. until
5 6:27 p.m.)

6 THE VIDEOGRAPHER: We are back on the
7 record at 6:27.

8 BY MR. WATSON:

9 Q Mr. Koepke, have you had a chance to look at the
10 document that I've handed you?

11 A Yes.

12 Q And I'll represent to you that this is part of a
13 production with an affidavit from Andrew O., OCFB1
14 through OCFB771, and on the document that I've
15 handed you it indicates that Owens-Corning sent to
16 Roddis Plywood experimental Kaylo on
17 September 17th, 1959.

18 Would that agree with your memory
19 of there being a very brief experimental use of
20 core before your service in the Army?

21 A Yes.

22 MR. CASCINO: Form. Foundation.

23 BY THE WITNESS:

24 A Yes, exactly. That's just the way I remember it.
25

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1 the time that Weyerhaeuser started producing its
2 own mineral core, would you overhear individuals
3 and have people refer to things generically as
4 Kaylo when it was manufactured by Weyerhaeuser?

5 A Yes.

6 MR. CASCINO: Form. Foundation.

7 Hearsay.

8 BY THE WITNESS:

9 A Yes, yes.

10 BY MR. WATSON:

11 Q In the same way that individuals might see Kleenex
12 or Band-Aids or Aspirin, you would hear people say
13 Kaylo; is that right?

14 A Yes.

15 MR. CASCINO: Form. Foundation. Mental
16 impression of others and the -- if you go to the
17 store, there's nothing called Kleenex other than
18 Kleenex brand, contrary to what everyone always
19 says.

20 BY MR. WATSON:

21 Q I didn't get a chance to hear your answer.

22 A Yes.

23 Q When you refer to something as being a thermal
24 insulation, do you know what the K-factor means?

25 A Yes. To some degree, yes.

1 Q And so a low K-factor means that it has low
2 thermal conductivity in terms of its passing heat
3 through the material; is that right?
4 A **Yes. That's the way I perceive it too.**
5 Q So when someone calls something Kaylo, in fact,
6 it's a low thermal conductivity, keeping K value
7 low; is that right?
8 MR. CASCINO: Form. Foundation.
9 BY THE WITNESS:
10 A **I can't --**
11 MR. CASCINO: And hearsay.
12 BY THE WITNESS:
13 A **I can't relate much to that. I didn't put those**
14 **two together as being that meaning.**
15 BY MR. WATSON:
16 Q But as you sit here today, would that agree with
17 you that that low K-factor put together with low
18 could mean Kaylo generically, right?
19 A **Yes.**
20 MR. CASCINO: Form. Foundation.
21 Speculation. Mental impression of others.
22 BY THE WITNESS:
23 A **Yes.**
24 BY MR. WATSON:
25 Q Did you ever draft the UL certifications or the

1 BY MR. WATSON:
2 Q In most basic terms, what does a fire door do?
3 What purpose does it serve?
4 A **It contains the fire.**
5 Q So if you had a 90-hour [sic] door, what does that
6 mean?
7 A **90-minute door?**
8 Q Or 90-minute door.
9 A **It means that that door will withstand 90 minutes**
10 **in a controlled fire test with a certified**
11 **furnace, and that subsequent to 90 minutes would**
12 **withstand a hose stream test.**
13 Q And in order for a door to be labeled as UL
14 certified, to go out the door with a UL
15 certification on it and to satisfy whatever rating
16 the door had, did Roddis and Weyerhaeuser have to
17 follow specific guidelines in their manufacture of
18 the door?
19 A **Yes.**
20 Q **So when Roddis or Weyerhaeuser had a UL**
21 **certification and it set forth the manufacturing**
22 **and the materials that were used in that door to**
23 **achieve that UL certification, Roddis and**
24 **Weyerhaeuser would follow that UL certification?**
25 A **They had to.**

1 correspondence back and forth to United [sic]
2 Laboratories?
3 A **No, no.**
4 Q What did it mean to have a fire door at Roddis
5 that was rated and certified UL?
6 A **It meant that if you -- if you had a fire-rated**
7 **door, it meant that that door would be suitable to**
8 **be used in jurisdictions or municipalities that**
9 **required a rate of whatever in certain locations,**
10 **whether it be in a stairwell, corridor doors.**
11 **Each jurisdiction or municipality can have**
12 **different requirements in those cases.**
13 **And if your door did not have or**
14 **you didn't have a full line of doors that had**
15 **the -- those fire requirements or fire approvals,**
16 **you couldn't even bid on those jobs; and that's**
17 **what -- that was the driving force behind that.**
18 Q Was the UL certification important for safety?
19 A **Yes.**
20 MR. CASCINO: Form. Foundation.
21 BY THE WITNESS:
22 A **Presumably contingent on the municipalities for**
23 **that requirement, and the driving factor was**
24 **safety.**
25

1 Q I know you mentioned it earlier, but I want to
2 drill down a little bit more. What were the
3 ratings that Weyerhaeuser had in its fire doors?
4 A **The maximum rating? 90-minute.**
5 Q What was inside of the 90-minute door?
6 A **Either the Kaylo material or the mineral core**
7 **produced at Marshfield.**
8 Q Was the material either the Owens Corning Kaylo or
9 the mineral core material laid out in a specific
10 way within the 90-minute door?
11 MR. CASCINO: Form.
12 BY THE WITNESS:
13 A **When you say "laid out," can you explain that to**
14 **me?**
15 BY MR. WATSON:
16 Q Sure. Let me rephrase it.
17 Are there blocks assembled within
18 the inside of the veneers for a 90-minute door?
19 A **Yes, there is for sure with the Kaylo core because**
20 **the Kaylo core only came in one size, and that was**
21 **18 inches by 36 inches.**
22 **And the approvals that we had with**
23 **Underwriters or Warnock Hersey indicated that we**
24 **could use blocks to put those together; however,**
25 **the blocks had to be tongue and groove, in other**

words, if this was a left-hand block, the adjacent block -- if that had a groove in it, this had a tongue on it, and that fit together giving that core stability in a fire test obviously.

Now, if we used our own mineral core, we produced those in full length -- as many as we could, at least, in two-foot eight, three foot, three-foot six, and four-foot lengths, and six-foot eight, seven foot, and eight foot, widths that was.

And then six-foot eight, seven foot, and eight foot in length. But if we had broken core, we could use the same process as putting blocks back together as I indicated with the Kaylo material.

Q So in the manufacture and the design of the fire doors that involved either the Kaylo material or the mineral core, the layout design was specified by Roddis and Weyerhaeuser and followed in its manufacture process?

MR. CASCINO: Form. Foundation.

BY THE WITNESS:

A That's correct.

BY MR. WATSON:

Q And specifically for the Owens Corning Kaylo

Q Who was the upstream seller to Weyerhaeuser of raw asbestos? So who was the manufacturer or supplier upstream selling it downstream to Weyerhaeuser?

A Carey of Canada and North American Asbestos.

Q Anyone else?

A And we purchased an inventory of amosite from the GSA.

Q And I thought I heard that before, and I want to drill specifically into that.

Were you involved at all with the purchase of the material, raw asbestos fiber, from the United States Government?

A Yes, only to the degree I went with the purchasing agent to New Haven, Indiana, and we looked at the inventory and approved it and bought it.

Q What year did that occur?

A I believe 1974.

Q Where was the raw fiber from the U.S. Government stored that was being sold to Weyerhaeuser?

A I recall it being New Haven, Indiana, at the GSA depot.

Q Was it sold in tonnage?

A Metric tons.

Q Could you testify today about the metric tons that were received from the United States Government?

material, it was tongue and groove assembled?

A Yes.

MR. CASCINO: Form. Foundation.

BY MR. WATSON:

Q And when using the --

MR. CASCINO: Assumes facts not in evidence.

BY MR. WATSON:

Q And when using the Owens Corning Kaylo block, tongue-and-groove specification design and manufacturing was followed as the door was made?

A Yes.

MR. CASCINO: Form and foundation.

BY THE WITNESS:

A Yes.

BY MR. WATSON:

Q I want to transition, again, to another area which was your earlier testimony about the use of raw asbestos fibers in the manufacture of mineral core. Okay?

A Okay.

Q What were the upstream sellers to Weyerhaeuser of raw asbestos?

A I'm sorry. I might have misled somebody. We didn't sell any raw asbestos.

A It was a fair amount. I -- I don't recall.

Q What type of fiber was sold?

A It was what was termed medium length amosite.

Q Do you know why the medium length amosite from the U.S. Government became available such that Weyerhaeuser could purchase it?

A Well, as I understand, it was a strategic component during the Second World War and Korean War; and after that point in time, it was not considered a strategic component, so they wanted to sell it.

Q Was it shipped in railcars --

A Yes.

Q -- up here?

A Yes.

Q Just to circle my questions up here, the only Kaylo material that you know was used at Roddis and Weyerhaeuser was Kaylo material manufactured and sold by Owens Corning; is that right?

MR. CASCINO: Form. Foundation.

BY THE WITNESS:

A I -- I can't say that for sure.

BY MR. WATSON:

Q Is there any other manufacturer or seller of Kaylo material that you remember being used at Roddis or

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Weyerhaeuser?

A No.

Q And then individuals at Weyerhaeuser would generically refer to core material as Kaylo; is that right?

MR. CASCINO: Form. Mental impression of another and foundation.

BY THE WITNESS:

A That's true.

BY MR. WATSON:

Q And as far as you can testify today, do you have any information, any personal knowledge, anything whatsoever, to testify that Kaylo was ever sold to Roddis or Weyerhaeuser from my client, Owens-Illinois?

MR. CASCINO: Form. Foundation.

BY THE WITNESS:

A I -- I can't answer that. I don't know.

BY MR. WATSON:

Q You don't know because you don't have any information, any personal knowledge of any Kaylo ever purchased by Roddis or Weyerhaeuser from Owens-Illinois; is that right?

MR. CASCINO: Form. Foundation. Also mischaracterizes what the witness testified to.

depending on which sander we were using it on, they had a different circumference length, and I don't remember exactly what they were anymore, but we had more than one sander obviously.

Q What color were these polishing belts?

A Well, they -- I'm quite sure they were called aluminum oxide; now, the color being an off-white to gray, gray color. Are you talking about the surface of the belt or the back of the belt?

Q Let's start with the surface of the belt.

A That's what I was referring to as the color.

Now, we did purchase some paperback belts as well as cloth-back belts.

Q But you didn't purchase those from 3M, did you?

A I thought we did. I remember 3M belts. We only had two suppliers of belts, and 3M was one of them.

Q And these were used on sanders in which area of the plant?

A All. That included the core mill and the saw and sand department, the mineral core department, the finishing department.

Q How thick were these polishing belts?

A I don't know. Quite thin. Obviously -- especially the paperback belts were very thin. I

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Asked and answered for the third time.

BY THE WITNESS:

A No. I don't know.

MR. WATSON: Those are all the questions I have. Thanks.

MR. FOUKAS: If everybody's okay with it, most importantly you, Mike, I forgot to ask about the other product he mentioned. Do you guys mind if I jump in to ask about that?

MR. CASCINO: Jump in.

MR. FOUKAS: Sorry.

FURTHER EXAMINATION

BY MR. FOUKAS:

Q I thought I was organized. Apparently your answer threw me off.

Sir, Anastasios Foukas again.

Wanted to ask you a little bit about the -- I believe you said you purchased 3M belt sander abrasive paper; is that right?

A It could have been abrasive, but for sure there were polishing belts purchased, which would have been anywhere from a 400 grit down to 120 grit.

Q And you recall the -- do you remember the product name other than polishing belt?

A No. I know they were 50 inches wide, and

doubt if they'd be a 32nd of an inch in thickness, and the cloth-back were a little thicker than that, you know, maybe as much as a 16th of an inch.

Q And the use of these was to polish the products?

A Well, if they were abrasive planer belts, they were used to dimension the product like the Kaylo material -- you didn't see it, but it came in an inch and 11/16.

The desired tolerance for it to go to the glue room to be made into a door was an inch-and-a-half. So after the banding materials was put on, the stiles and the rails, it goes through an abrasive planer and take off -- well, from an inch and 11/16 down to an inch and a half, you're talking 3/16 of an inch, so you're taking 3/32 off of each side. I don't know if that fraction is right; I hope it is. So you're taking a fair amount of material off, so you needed an abrasive planer belt for that.

If you're sanding, say, particle board core or stave core, which is either pine blocks or particle board, it's a much more dense material and with the same thing, the gross size would be -- thickness would be an inch and 11/16,

you take it down to an inch-and-a-half; the reason being is when you were at an inch-and-a-half and you'd add a crossband to each side of a 16th inch each, that's another quarter of an inch. So you went from an inch-and-a-half to an inch and three-quarter. That's not quite -- inch and five-eighths. Then the other eighth of an inch was made up of the two sheets of veneer on each side. So we ended up with an inch and three-quarters going. That was a nominal thickness for commercial dealers, an inch and three-quarter thick.

Q Okay.

A So to finish the question, the other belts were used for polishing. This was raw veneer that was unsanded or unpolished, and so it would go through a three-headed sander with a fairly coarse belt first, and then a finer, and then the last one being a very fine one.

Q Do you recall who manufactured the sanders?

A Mostly Timesavers.

Q Do you recall when you first saw the 3M belts? Was this in -- after 1970 when you were in the --

A No. It was -- the first years that I supervised the finishing area cuz we used a 400 grit belt on

the sanding line for the panel line.

Q And you said that there were other manufacturers of these belts other than 3M, though, right?

A I just remembered Bear Manning is another supplier.

Q Okay. And in terms of the -- what -- strike that.

In terms of what the sanders were being used for and all those different inch thicknesses and everything else, you took that instruction from your supervisors or the plant personnel, correct?

A It was a so-called SOP, standard operating procedure.

Q Okay. There were no instructions on the use of these polishing belts or belts from 3M, were there, that you recall -- that you can recall?

A The only instructions were naturally that you took them out of the box and hung them up to acclimate for use and . . .

Q And you don't recall seeing any warnings on any of the polishing belts, do you?

A No.

Q You don't have any knowledge that any of these belts that you believe were manufactured by 3M contained asbestos, do you?

A None whatsoever.

Q And you never saw Rita Treutel ever use one of these polishing belts, did you?

A No.

Q You never saw Sharon Heckel ever use any of these polishing belts?

A No.

Q You never saw Mabel Carl ever use any of the polishing belts, did you?

A No.

MR. FOUKAS: That's it. Thank you.

EXAMINATION

BY MR. METCALF:

Q All right, Ron. I just have a few questions today. It's been a long afternoon, and we've had a lot of discussion back and forth so there are a few things that I just want to kind of clarify.

We talked about Kaylo blocks and Weyerhaeuser developing its own core, and I just want to make sure. Weyerhaeuser never manufactured Kaylo, did they?

A No.

Q Did Roddis ever manufacture Kaylo?

A No.

Q We had some questions back and forth about

monitoring and who conducted the monitoring and when Joe Wendlick was there and how he interpreted the results and that kind of thing. Would you defer to Joe on the details of monitoring?

A Yes.

Q There was also some discussion of warnings on doors and cores, and there seemed to be some confusion about the difference between the warnings that would go on doors and the warnings that accompanied cores.

Could you just explain for us how warnings were given for doors and with cores?

A Well, once the door -- completed door got to shipping, where the steel label or metal label was attached to the door at that point, and there's a number on each one of those -- those labels that it gets recorded in the check-in book or the recordkeeping at that point. Then at that point, there was a tape put to the edge of the stile, of the door that had the warning on there that this product contains asbestos. I don't remember the verbiage precisely, but that's the way the doors were handled.

In the mineral core department, especially, and also inclusive of the material

going to the core mill, the -- this was called raw core, and that just had a white -- actually it was an 8-1/2 by 11 piece of paper that had written on it this product contains asbestos, and they folded that in half and would stick that into the edge of the -- one of the core, and that stayed on the -- on that pallet; and if it was a third party sales that went out the door that went with it obviously. And if the core was taken from the warehouse to the core mill, well, it went along into that direction.

Q Okay. You also were asked a few questions about the 45, 60 and 90-minute doors that used an asbestos-containing core, and I think the question was did you use those cores from 1966 to 1979; and then we also had some discussion of when asbestos was discontinued in the use of the mineral cores, and I just want to make sure, when was asbestos discontinued in the Weyerhaeuser mineral cores?

A To my recollection, it was June of 1978.

Q We also had some questions about complaints from the community about dust coming from the facility, and we kind of went back and forth between asbestos dust and just the generic dust term, and you answered that you had heard of some

complaints, but not others.

Can you tell us what complaints you do remember hearing?

A I remember hearing complaints from residents that lived in the proximity of the plant that had dust and particulate falling onto their clothes, onto their cars and so on, and that went on for a period of time as was indicated.

I don't know what else I need to say about that, but . . .

Q Well, do you know where that dust came from?

A It was very hard to determine because there were at least five devices, if you will, that were emitting to the air which could have included some particulate, precisely talking about the smokestack from the boilers that burned whatever combustible material that came to the -- to that area including coal, for that matter.

Then there was the baghouses that had the mineral core dust or the Kaylo dust going into them, and there were stacks from the particle board plant that were emitting dust from -- or particulate, very possibly, from the dryer that would dry the chips that were being used for particle board, and then there were the dust

collection baghouses that -- that were collecting dust from the polishers, from either the particle board plant or the -- the finishing plant and those. So that's -- it was hard to determine what particulate could have been in the air.

MR. METCALF: I think that's all the questions I have.

MR. CASCINO: I have just a few.

FURTHER EXAMINATION

BY MR. CASCINO:

Q The sanding belts you got from 3M, did they have any warnings that they should not be used on asbestos?

A Not that I recall.

Q Okay. And the majority of the masks that were used at Weyerhaeuser would it be safe to say were 3M masks?

MR. FOUKAS: Object to the form.

BY THE WITNESS:

A I guess that's safe to say, although I'm not positive of that.

BY MR. CASCINO:

Q Are you aware that Owens Corning Fiberglas was the sole distributor of Kaylo before 1959?

A I did not know that.

Q You referred to this Kaylo as being a generic term. What do you mean by that? Where did it come from, the term "Kaylo"?

A I believe that it came from the fact that it was called Kaylo as it entered the mill, and like so many other things in an industry, once something gets named whatever, it just hangs on; and if someone doesn't come and specifically say, you can't call it that, I mean, it's just -- that's why I would say that that hung on like it did.

Q Is the term -- are you aware that the term "Kaylo" or the name "Kaylo" was trademarked by -- either by both Owens-Illinois and Owens Corning?

MR. WATSON: Objection. Form.

Foundation. Very overbroad.

BY THE WITNESS:

A I -- I guess I don't know. I didn't know.

BY MR. CASCINO:

Q Were people from 3M salespeople that were at the facility?

A I don't know for sure.

Q You've never seen any of the advertisements that Weyerhaeuser used after they got -- strike that.

You've not seen any of the documents wherein Weyerhaeuser had got approval to

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1 use the name "Kaylo" on their advertisements after
2 they took over the plant from Roddis?

3 MR. METCALF: Objection to the form of
4 the question.

5 MR. WATSON: Object.

6 BY THE WITNESS:

7 **A I never saw any documentation on that.**

8 MR. CASCINO: Roddis.

9 BY MR. CASCINO:

10 Q You used the term "third-party sale." What do you
11 mean by that?

12 **A It would be -- in the case of selling raw core,**
13 **whether it be mineral core or particle board to**
14 **another door manufacturer that would produce a**
15 **door out of it or whatever they might be making.**

16 Q That would be like the shipments we talked about
17 earlier by Algoma Hardwoods?

18 **A Yes.**

19 MR. CASCINO: I don't have anything
20 else.

21 MR. METCALF: All right.

22 THE VIDEOGRAPHER: We are off the
23 record; end of deposition. The time is 6:59.

24 (Proceedings had off the video record:)

25 MR. METCALF: Do we need to put the read

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1 STATE OF WISCONSIN)

) SS:

2 COUNTY OF MILWAUKEE)

3 I, Debbie A. Harnen, a Registered
4 Professional Reporter and Notary Public in and for the
5 State of Wisconsin, do hereby certify that the
6 deposition of RONALD KOEPKE was reported by me and
7 reduced to writing under my personal direction.

8 I further certify that said deposition
9 was taken at HOLIDAY INN CONFERENCE CENTER, 750 South
10 Central Avenue, Marshfield, Wisconsin, on the 18th day
11 of February, 2014, commencing at 12:59 p.m. and
12 concluding at 7:00 p.m.

13 I further certify that I am not a relative
14 or employee or attorney or counsel of any of the
15 parties, or a relative or employee of such attorney or
16 counsel, or financially interested directly or
17 indirectly in this action.

18 In witness whereof, I have hereunto set my
19 hand and affixed my seal of office at Milwaukee,
20 Wisconsin, this 23rd day of February, 2014.

21
22
23 Debbie A. Harnen - Notary Public
In and for the State of Wisconsin

24 My Commission Expires: July 27, 2014.

25

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1 and sign on the record?

2 I recommend that you get a copy of
3 the transcript and read it, make sure that your
4 testimony that she's typed down accurately
5 reflects what you said, and you'll have an
6 opportunity, if there's some things that are typos
7 in there, to correct those.

8 THE WITNESS: I can find an objection.

9 MR. METCALF: You can correct
10 miswritings.

11 THE WITNESS: I'm sorry. Just joking.

12 (Proceedings concluded at 7:00 p.m.)

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1 STATE OF WISCONSIN)

) SS:

2 COUNTY OF MILWAUKEE)

3
4 I, RONALD KOEPKE, do hereby certify that I
5 have read the foregoing transcript of proceedings,
6 taken the 18th day of February, 2014, at HOLIDAY INN
7 CONFERENCE CENTER, 750 South Central Avenue,
8 Marshfield, Wisconsin, and the same is true and correct
9 except for the list of corrections noted on the annexed
10 page.

11
12 Dated at _____
13 this _____ day of _____, 2014.

14
15
16 _____
RONALD KOEPKE

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